

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
July 12, 2011**

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PLANNING DEPARTMENT

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

Michelle Lailer
Sarah Wagar
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
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Zoning Board of Appeals
July 12, 2011 Meeting Minutes**

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

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

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

There were approximately 10 members of the audience.

Sarah Wagar 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) PATRICIA TANZI CASE #03-11

Applicant was not present.

Chairman Olenius stated first case, Patricia Tanzi #03-11, has requested a...another continence till next month, so we'll move right to number 4 [referring to number 4 on the agenda].

2) **DINO RENTOULIS CASE #09-11**

Mr. Dino Rentoulis and Mr. David Pierro, Houlihan Lawrence, were 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 Tuesday, July 12, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Dino Rentoulis Case #09-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-67 A(2) of the Patterson Town Code, Signs in business districts. Applicant has an existing 132 square foot freestanding sign; The Code allows for freestanding signs to be no more than 25 square feet; Variance requested is for 107 square feet. This property is located at 2970-2974 Route 22 (C-1 Zoning District).

Chairman Olenius stated Mr. Rentoulis.

Mr. Dino Rentoulis stated how are you folks.

Chairman Olenius stated good. How are you.

Mr. Rentoulis stated I'm Dino Rentoulis.

Board Member Bodor stated you'll have to speak into the mic, Sir.

Mr. Rentoulis stated yes.

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

Mr. Rentoulis stated I do.

Chairman Olenius stated thank you. And state your name for the record.

Mr. Rentoulis stated yes. My name is Dino Rentoulis; R-E-N-T-O-U-L-I-S. I'm speaking on behalf of my father; I have power of attorney over my father who had heart surgery about six weeks ago. And like Mr. Pierro, who's assisting me in this matter, I guess to clarify everything and speak on my behalf.

Chairman Olenius stated very good. You can take the microphone out of the stand if it's easier.

Mr. David Pierro stated it's okay. I have enough problems using both hands.

Chairman Olenius stated can you state your name, too, just for the record.

Mr. Pierro stated my name is David Pierro, and good evening everyone.

Chairman Olenius stated good evening.

Board Member Buzzutto stated good evening, Dave.

Mr. Pierro stated I'm a realtor with Houlihan Lawrence and I'm assisting Dino and John Rentoulis, along with my partner John Ravetto, in marketing this property. In May of this year we were issued a letter by...I guess jointly by the Building Department and the Planning Department, indicating a list of items that need to be corrected at the Alpine restaurant. There had been a tenant in place responsible for the location for a period of time, and a merrid of problems developed with that tenant where they were...ultimately they were evicted and removed from the site. During that time there was a fire and a rear building, a residential structure, was destroyed. That's the second thing on the list I'll deal with. But during the review process with the Planning Board, Rich Williams discovered that in 1969 the Town of Patterson Code was changed limiting the sizes of signs. Now, that sign there that you see on the board [referring to plans of the sign] is iconic as well as the Thunder Ridge Ski Area sign. They have been there for forty to fifty years possibly. Long before many people remember. But most people think they've been there for that long. So what had happened at that time in '69, the Town made those...made this Town Code state that signs should be no more than 25 square feet, but they gave the preexisting signs of this type, they gave them a five year window to bring those signs into conformance. And what happened, I guess, in 1974, the clock struck and no enforcement action was taken on those signs. So they are here, they're still present, as well as a group of other signs. And it would be an incredible expense upon the owners of this establishment to have to remove that sign to start all over again, and it would probably be unfair because there are many, many signs larger than this out there in the Town of Patterson. So we came to you tonight for the variance for that sign and for another item in the Code says that when a sign is preexisting and it comes before your Board for a variance, the fee is doubled. We're also requesting you submit a letter to the Town Board granting a waiver of the fee. A regular sign fee is \$175.00, correct me if I'm wrong, Rich. Not here [referring to thinking Rich Williams was not present] . Yes he is.

Mr. Rentoulis stated yes he is.

Rich Williams stated yes.

Mr. Pierro stated we had to pay \$370...\$350.00 just to come before the Board to request the variance. So we're requesting the use variance for the sign and a waiver for the fees involved because this sign has been here since time in memoriam. We're just asking to be treated fairly like every other sign that large within the Town of Patterson.

Board Member Bodor stated that...

Mr. Rentoulis stated I'm sorry, if I may. When my father, when he purchased the property 12 years ago and he did his due diligence with the attorney, they found no open violations regarding the property itself; the restaurant...the existing restaurant or anything pertaining to the sign, when he did his due diligence with the attorney, Richard Gould in White Plains, New York.

Board Member Bodor stated that rendition...that drawing up on that board there [referring to plans of the sign] is that the sign the way it appears standing out on [Route] 22 right now.

Mr. Rentoulis stated yes.

Board Member Bodor stated the verbiage the way it is, the slats.

Mr. Pierro stated one of these signs here currently says Daniel J's, which is previous.

Board Member Bodor stated but the shape is the same as it appears.

Mr. Pierro stated the shape is the same and these four placards are the same.

Mr. Rentoulis stated I took down the yellow and brown, I guess, park sign that was there that said Daniel J's and now it just says Jimmy O's, which...

Board Member Bodor stated it doesn't say Alpine, it says Jimmy O's.

Mr. Pierro stated no, it says Alpine.

Mr. Rentoulis stated Jimmy O's from before...

Mr. Pierro stated yes.

Mr. Rentoulis stated when my father purchased it because we, I guess, has another sign...

Board Member Bodor stated but if I go out there today, it says Alpine just like that sign.

Mr. Pierro stated it says Alpine. I would have to look at the...my...

Board Member Bodor stated I'm hearing Jimmy O's. I'm hearing Alpine. I'm just...

Mr. Pierro stated well, it says Alpine.

Board Member Bodor stated I know...

Mr. Rentoulis stated it says Alpine.

Board Member Bodor stated they're all one in the same.

Mr. Pierro stated they took down the Daniel J's sign.

Mr. Rentoulis stated right, right, right, right.

Mr. Pierro stated yes.

Mr. Rentoulis stated yes. I'm sorry. I made a mistake.

Mr. Pierro stated he made a mistake.

Board Member Bodor stated okay. And what's the square footage on that sign as it exists.

Mr. Pierro stated I don't know for sure but I believe someone from Planning or Building has estimated that it's 132 square feet.

Board Member Buzzutto stated that sign, does that represent just Alpine or is there other...

Mr. Rentoulis stated it just represents...

Board Member Buzzutto stated for other people. Nothing is...

Mr. Pierro stated does not have anything to do with Thunder Ridge Ski Area, the paintball or... That's another issue. And we are not bringing that to light.

Board Member Buzzutto stated no. It's not on...

Mr. Pierro stated it's another issue. This is solely, and has always been solely, for the restaurant.

Board Member Bodor stated okay. But where is the Thunder Ridge sign. Is that another sign out there. I mean, I...

Mr. Pierro stated it's another island out there.

Board Member Buzzutto stated yes, there is.

Board Member Bodor stated I drive by it all the time. But I'm just, you know, it's not clear in my own mind because I don't pay attention to it.

Mr. Pierro stated if you don't mind, I will show you a current survey.

Board Member Bodor stated so Thunder Ridge has their own freestanding with the paintball stuff on it.

Mr. Pierro stated right. I'll show you the current survey. If you look carefully, this is the island that was just reconfigured. You'll notice a portion of this is in gravel now. This is the island that has the Alpine sign on it and this island here is the one that has the Thunder Ridge sign on it, which is in the middle of the easement, which is the centerline driveway. We're not here applying for Thunder Ridge, that's their own issue. We're here...we're worried about Alpine. But it has been there for 40 to 50 years and no enforcement action was ever taken.

Board Member Bodor stated and is there lighting on that sign.

Mr. Pierro stated there is lighting...There was improperly installed lighting at the base and I personally removed it. That was one of the directions that Rich had told a long time ago it wasn't shielded lighting so I removed them. There are lights up on the top that I believe are shielded.

Board Member Bodor stated but spots onto the signs....

Mr. Pierro stated spots onto the sign.

Board Member Buzzutto stated do you have any record of when that particular stand or (inaudible) there was adopted or permitted.

Mr. Pierro stated the best I can figure it was...

Board Member Buzzutto stated nothing in the...

Mr. Pierro stated in the 1950s.

Board Member Bodor stated there's no dated photographs around anywhere, are there.

Board Member Buzzutto stated when that was the Birch Hill Lodge, was that sign there at that time also.

Mr. Pierro stated same sign.

Board Member Buzzutto stated Birch Hill...

Mr. Pierro stated same sign.

Board Member Buzzutto stated same sign. Birch Hill...(inaudible) I believe.

Mr. Pierro stated that's the best I can do [referring to having pictures on a digital camera and passing it around to the Board].

Board Member Bodor stated oh, yes. I'm going to want to go out there and do a site visit.

Mr. Pierro stated hey Lars, you can see both signs there. The Alpine sign appears larger because I was much closer to it.

Chairman Olenius stated yes.

Board Member Buzzutto stated let me see.

Mr. Pierro stated you can take the camera.

Board Member Buzzutto stated oh, I see. Yes. This is the Alpine. Birch Hill. Or not Birch Hill. It's basically the same. Thank you. Shut it off [referring to the camera].

Mr. Pierro stated okay. Counselor [referring to Mr. Charbonneau looking at the pictures].

Mr. Joe Charbonneau stated you don't have to impress me.

Mr. Pierro stated okay.

[Laughter]

Mr. Pierro stated there are...I'm sure there are other issues at stake here, and I'm not an attorney, but if this sign were not to be approved it would force the...It would force these applicants to remove that sign and it may force your hand on having a lot of these signs moved...removed. So, in my humble opinion, I think it's time to address this mistake in the past and grant them waivers and continue to grant waivers to other signs that are excessively large as per the '69 Town Code change.

Board Member Buzzutto stated you have any other sign in mind that is the same as that or...

Mr. Pierro stated yes, the Alpine sign.

Board Member Buzzutto stated or I mean other than that.

Mr. Pierro stated the Daniel J sign. The Ski Area sign.

Board Member Buzzutto stated yes.

Mr. Pierro stated and I...I don't want to stand here and point out every sign violation that I'm aware of...

Board Member Buzzutto stated well, I just meant one.

Mr. Pierro stated in the Town of Patterson.

Board Member Buzzutto stated I never...The only one that I know of would be the one on the service station, the Getty. Is that a large sign there.

Board Member Herbst stated no, I don't think it was that large.

Board Member Buzzutto stated I don't remember.

Board Member Herbst stated we were there. We did a site walk on it. It wasn't that large.

Board Member Buzzutto stated no.

Mr. Pierro stated Buzz [referring to Board Member Buzzutto], I wasn't sworn in but I will raise my right hand; there are plenty of signs within the Town of Patterson that far exceed the 25 square foot rule. Many of them.

Board Member Buzzutto stated with no approvals.

Mr. Pierro stated I believe so, Sir.

Board Member Buzzutto stated that's not fact though.

Mr. Pierro stated there may be a couple that have variances and Rich could speak to that issue. But, this one is right for a variance, I believe. But if this one comes down, then there's a lot of others that have to come down as well. Sad situation we're put in.

Board Member Buzzutto stated but if this one goes through then all the others have to be...

Mr. Pierro stated are going to have to come in and...

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

Mr. Pierro stated and make the same changes that we're making.

Board Member Bodor stated well I for one would like to go out there and get a feel for it.

Board Member Buzzutto stated yes.

Board Member Bodor stated as I say, I've lived in this Town for many years and I drive by it all the time, but I don't pay attention to it. So, you know, just seeing it and where it's located and the surrounding area, I want to see it.

Mr. Pierro stated I appreciate that, but time is of the essence. We are... We have been working diligently for the last six weeks taking care of a list of site plan issues; getting things straightened out. There has been a lot of mistakes made in the past and we are... This gentleman is assumed his father's responsibility here because his father went through major heart surgery and he's handling it along with myself and John Ravetto. We're getting things done. We would like to put this to bed as quickly as possible. I appreciate...

Board Member Bodor stated this is your first appearance at this Board. So, you know, we are entitled to do the best job that we possibly can.

Mr. Pierro stated of course.

Board Member Bodor stated and if that requires that you come back another month, than so be it.

Mr. Pierro stated of course.

Board Member Buzzutto stated how long have you purchased this. Twelve years ago.

Mr. Rentoulis stated yes.

Board Member Buzzutto stated and you're renovating it now and...

Mr. Pierro stated no. We're taking care of site plan issues.

Board Member Buzzutto stated not renovating it, just the variances now.

Mr. Pierro stated only because we were notified by a letter on May 5th that this sign was nonconforming. So this is recent.

Board Member Herbst stated what do you plan on doing with the property.

Board Member Bodor stated that whole list of things that needed attention, what was that letter dated.

Mr. Pierro stated May 5th.

Board Member Bodor stated May 5th. So all of the sudden May 5th you were notified that you needed to do a lot of work there and the sign was among those issues.

Mr. Pierro stated well, a lot of this work (inaudible) this sign was one of those issues that was recently added into the mix...

Board Member Herbst stated there's nobody there now.

Mr. Pierro stated in the last, you know, six or eight months. I don't know... I don't remember exactly when Rich discovered the change in the Town Code. I know it was awhile ago. But I know that Mr. Rentoulis

was notified on...via letter, stamped...dated May 6. I'm sure this is the Planning Board file. Every one of these items on this list has been addressed or will be addressed in the next week or so.

Board Member Burdick stated there's a letter in here also dated December 4, 2009 that speaks to the sign as well. And it states at the December 4th, 2009...

Mr. Pierro stated Planning Board did it.

Board Member Burdick stated the Planning Board requested that the sign be removed.

Mr. Pierro stated yes, that was the...I believe I was still on the Planning Board. That was the first time Rich developed the information about the '69 Code change. But as far as Mr. Rentoulis being made aware of it, I'm only aware that Mr. Rentoulis was told on...via letter on May 5th regarding a complete list of many items that needed to be addressed.

Board Member Burdick stated actually, the record goes back to August 2nd of 2007 when a previous request was put before the Planning Board. So in 2007, according to these memos, it goes back.

Mr. Pierro stated well, I will tell you this much, Marianne [referring to Board Member Burdick], that the sign has become an issue because a refusal has been stated that there will be no issuance of a CO with outstanding violations. And we are here to correct that.

Board Member Burdick stated I agree with Board Member Bodor. I'd like to go out and take a look at it.

Mr. Pierro stated that's fine.

Chairman Olenius stated does anybody from the audience have any comment on this matter. Hearing none.

Joe Downey stated yes, I do. I live up on...Oh. I'm Joe Downey.

Board Member Bodor stated you have to come up here, Sir.

Joe Downey stated good evening. My name is Joe Downey. I live on Stagecoach Road, top of Birch Hill. I pass that sign, well, several times a week. And it's, you know, it's not...I don't think it's too big from the road. I mean, it's been there as long as I've been up there. I've been there going on twelve years now. And, I mean, it's just somebody trying to promote their business to get people to come in and patronize them. But I don't find this sign offensive. You know, I agree with colors and stuff like that. That it's suppose to look nice and not offensive. But, you know, I agree with the...You know, I'm not here on their behalf but, you know, the sign has been there a long time. The little signs below it I think they're promoting other things, I don't remember for sure, but I think those little signs below it are promoting what's going on at the ski place maybe. But I think the sign's in good taste. At least...

Board Member Buzzutto stated no, it has nothing to do with the ski place.

Joe Downey stated hmm.

Board Member Buzzutto stated it has nothing to do with the ski area.

Joe Downey stated yeah, I don't remember that...

Board Member Buzzutto stated it just says catering and...

Joe Downey stated yeah.

Board Member Buzzutto stated on the bottom.

Joe Downey stated yeah, I don't remember.

Mr. Pierro stated it says catering, seafood (inaudible – too many talking). Things like that.

Joe Downey stated honestly, I don't remember the two signs. It's not like that obvious where it sticks out to me when...

Board Member Buzzutto stated yes.

Joe Downey stated I'm driving by. And I'm always looking around when I'm driving. But, that's all.

Chairman Olenius stated thank you.

Joe Downey stated thank you.

Board Member Buzzutto stated thanks, Joe. I'd like to table this for a site walk.

Chairman Olenius stated yes. Okay, we're going table this till next month.

Mr. Pierro stated very well.

Chairman Olenius stated take a site walk. Take a peek at it.

Mr. Pierro stated very well.

Chairman Olenius stated straighten out the exact picture in our minds because I'm a little confused, too.

Mr. Pierro stated okay.

Chairman Olenius stated I mean, the camera did help, but to see it in person I think...

Mr. Pierro stated and while you're doing that site walk...

Chairman Olenius stated yes.

Mr. Pierro stated we can go to the second issue.

Chairman Olenius stated let the Secretary...

Board Member Bodor stated let the Sec[retary]...

Chairman Olenius stated read the legal first. It's a separate...

3) **DINO RENTOULIS CASE #10-11**

Mr. Dino Rentoulis and Mr. David Pierro, Houlihan Lawrence, were both present.

The Secretary read the following legal notice:

Dino Rentoulis Case #10-11 – Use Variance

Applicant is requesting a use variance pursuant to §154-34 of the Patterson Town Code, Permitted principal uses, in order for a residential use to be permitted in the C-1 Zoning District. The two bedroom residence attached to the restaurant has lost its pre-existing, nonconforming status and is no longer a permitted use in the C-1 Zoning District. This property is located at 2974 Route 22 (C-1 Zoning District).

Board Member Buzzutto stated okay.

Chairman Olenius stated do you agree with the legal notice as it was read.

Mr. Rentoulis stated yes. Yes I do.

Chairman Olenius stated I don't think you need to be sworn in again. You just maybe want to state your name just one more time since it's a different...

Mr. Rentoulis stated yes. Regarding the use variance and the house in the back. Dino Rentoulis. R-E-N-T-O-U-L-I-S.

Mr. Pierro stated and David Pierro, Houlihan Lawrence Realty.

Chairman Olenius stated okay.

Mr. Pierro stated the second issue we have in front of us for Mr. Rentoulis is in the rear of the Alpine Restaurant. There has been an extra building since time in memoriam, even prior to this building being converted to a restaurant, there was a secondary building in the rear near the kitchen. That building was destroyed by fire five years ago. Again, there was a tenant who had leased the whole site and a fire occurred and Mr. Rentoulis obtained a building permit from the Building Department, and John Rentoulis was handling that matter at this time, and John communicates to me that he was never told that he had a certain amount of time before he would lose his use as a residential structure on a commercial property. But, Mr. Dino Rentoulis has been working over the last couple of years to personally restructure that building. He's had licensed contractors, licensed electricians in there working on it, and they are getting near completion. We were notified by letter that this building has lost its use. The Building Inspector was out there numerous times meeting with Dino telling him that as long as the building does not look like a burned out shell and that you complete the siding on the exterior building, we don't care what you do with the interior of the building at this time. We just want it cleaned up and we want it made safe. We want it secure. And that has been done. Currently, it's all sheet rocked, it's painted. Most of the wood floors are down. We're waiting kitchen cabinets and final electrical inspection. Mr. Rentoulis would like to get that residential use replaced

on this property because it is a severe hardship not to have an income coming in for that rental. It is in the C-1 Zoning District and thusly requires the variance for residential use in that zoning district.

Board Member Buzzutto stated you say he wasn't told that it was going to expire.

Mr. Pierro stated John Rentoulis tells me that he was never notified that his use was going to expire until there came a time when he was notified by the Town from various letters that he was going to lose his use, but by that time the use was already gone.

Board Member Buzzutto stated yeah, but is it up to the Town to notify everybody that their permits are going to...

Mr. Pierro stated I don't know. I don't know the answer to that question. I don't know the answer to that question.

Board Member Buzzutto stated it's certainly in the Codes and stuff like that, you know.

Mr. Pierro stated I don't know the answer to that question. But there were numerous letters forwarded to the Rentoulis family regarding building permits that had not been finalized. And I don't see any documents that say he's going to lose his residential use. We are here now. It is still a residential property in the rear. It's not being used. It doesn't have final electrical. Before we go forward and complete that interior renovation, we would like to have the use back.

Mr. Rentoulis stated the very first time, ladies and gentlemen, that I was notified that the use of that structure was deemed no longer as a house and that could be used an apartment was about a month ago when I went into the Building Department and went to speak to Nick Lamberti and Cheryl in Building, about a separate matter. Not this winter but the winter before, I had an emergency install on a boiler where the power had gone down, one of...the boiler at the restaurant cracked; it froze up and it cracked and I had to get it emergency installed. And I went to collect my C of O for the property for...not for the property, for the boiler from the Building Department and it was then when I found out the use variance was no more on that site. And I spent a lot of money on electrical; my licensed electricians, siding, material, sheet rock, everything, to try to get another rental income. I have a tenant right now in the front and the are behind in arrears. And just with the restaurant being closed and no income and paying all the taxes yearly out of pocket from my business in Westchester. And it would greatly help me a lot if I could finish the apartment and collect something to ease my struggling like and untrouble.

Board Member Buzzutto stated I thought there was something with that apartment back there when it was a Chinese restaurant. Something to do with the violations and variances and stuff on that.

Mr. Pierro stated there may have been an overcrowding issue.

Board Member Buzzutto stated I remember something was going...

Mr. Pierro stated I remember.

Board Member Buzzutto stated on there with that tenant.

Mr. Pierro stated I remember.

Board Member Bodor stated yes.

Mr. Pierro stated there was an overcrowding issue years ago...

Board Member Buzzutto stated yes.

Mr. Pierro stated when it was a Chinese restaurant.

Board Member Buzzutto stated right.

Mr. Pierro stated apparently, and I'm only hearing from, you know, past conversations with members of the Planning Board and the Building Department that the former owner of the Chinese restaurant may have had 10 or 15 guys living in there. That is not the case now. We have no one in there now.

Board Member Buzzutto stated no, I'm thinking...

Mr. Pierro stated we have no one in there now. We're just look... We're looking to put a family in there, hopefully a guy who is a landscaper and a snowplow who can take care of the property and provide a little income to the Rentoulis family.

Board Member Buzzutto stated well, just let me... What is that compartment... apartment consist of.

Mr. Pierro stated it consists of a kitchen...

Board Member Buzzutto stated kitchen.

Mr. Pierro stated two bedrooms, a living room and a den or an office, and two baths.

Board Member Buzzutto stated that's pretty big.

Mr. Pierro stated it is pretty big.

Chairman Olenius stated is it physically attached to the restaurant.

Board Member Bodor stated yes, I think so.

Chairman Olenius stated from the survey it looks like it...

Mr. Rentoulis stated on the survey.

Chairman Olenius stated right.

Mr. Rentoulis stated just one portion of the kitchen wall, which I fire proofed, of the house is just touching, I guess, back-to-back with the restaurant. Just a tiny, tiny portion of it.

Board Member Herbst stated there's no opening between the two.

Mr. Rentoulis stated no. No. And I had to redo all of the staircases. You can see it on the survey that there are three staircases. I put the footing in the back; that was two years ago. And now I was forced to completely demo each staircase which were completed a week ago to bring the staircases up to Code.

Board Member Bodor stated what's underneath the structure.

Mr. Rentoulis stated underneath is just empty basement, storage space.

Board Member Bodor stated storage space.

Mr. Rentoulis stated it's just empty.

Board Member Bodor stated I didn't realize there was storage down there.

Mr. Pierro stated it's one doorway to the lower level. It's...

Board Member Buzzutto stated is there an entrance to go into the restaurant at all from that.

Mr. Pierro stated no.

Board Member Buzzutto stated it's completely...

Mr. Pierro stated completely separate. There's three entrances. There's an entrance to the apartment in the rear on the Thunder Ridge side. There's an entrance in the rear, there's an entrance in the side, and there's an entrance...

Board Member Bodor stated there it is.

Mr. Pierro stated at the kitchen door which is the photograph that is on the camera now.

Board Member Buzzutto stated have you ever been back...

Mr. Pierro stated well...

Board Member Bodor stated no. We should walk back there, too. We will be on the property.

Mr. Pierro stated if you let me know, I will make sure...

Board Member Buzzutto stated yeah, okay.

Mr. Pierro stated that the door is open and you can do an interior inspection.

Chairman Olenius stated oh, this is the restaurant right there [referring to the survey].

Board Member Buzzutto stated yes.

Chairman Olenius stated it looks from this that it's butting right up to it.

Board Member Buzzutto stated yeah.

Board Member Herbst stated that's not the one that leads...

Board Member Bodor stated what's... You mentioned there had been a fire in there. Was that while it was occupied or was that between when it was empty.

Board Member Herbst stated a ski area.

Mr. Rentoulis stated when the apartment itself was occupied, I believe...no. I believe that it was vacant.

Board Member Bodor stated it was vacant at that time.

Mr. Rentoulis stated yes. The restaurant was occupied...

Board Member Bodor stated okay.

Mr. Rentoulis stated by tenants. You probably can't really tell because...

Board Member Buzzutto stated but this road here, is that...

Mr. Rentoulis stated (inaudible – too many talking) the same as the restaurant; same (inaudible – too many talking) light color.

Board Member Buzzutto stated is this owned by the ski lift.

Mr. Rentoulis stated and it looks like it's one uniform structure.

Mr. Pierro stated it's one easement.

Board Member Buzzutto stated oh, it is an easement.

Mr. Pierro stated that's owned by...

Board Member Buzzutto stated the right-of-way. Okay.

Mr. Pierro stated Buzzy, that's owned by Patterson Center LLC, formerly...

Board Member Buzzutto stated the road.

Mr. Pierro stated Putnam County National Bank.

Board Member Buzzutto stated okay.

Mr. Pierro stated and there is an easement that's been in place since that property was subdivided by Mallory Stephens, who is Will Stephen's grandfather.

Board Member Buzzutto stated oh, that's way back.

Mr. Pierro stated yes.

Board Member Bodor stated that framed building up front, that's on your property, too.

Mr. Pierro stated yes it is.

Board Member Bodor stated that...

Mr. Rentoulis stated yes.

Mr. Pierro stated that currently enjoys a CO...

Board Member Bodor stated it's a storefront.

Mr. Pierro stated as a tattoo parlor.

Board Member Bodor stated that's what it is. Right.

Mr. Pierro stated yes.

Board Member Bodor stated yeah.

Mr. Pierro stated a nonpaying CO, I might add.

Chairman Olenius stated okay, again, I'd like to take a site walk. You know, we're going out there anyway.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Chairman Olenius stated it makes it...

Board Member Herbst stated just do it all at once.

Chairman Olenius stated yeah.

Board Member Bodor stated yeah.

Mr. Pierro stated I will add there is nothing new here except for the redesign of a traffic island that was requested for traffic flow by the Planning Board and some new signage that will be installed tomorrow. But the structures are the same. The tattoo parlor is the same. The sign is the same as it has been in place for many, many years. Thank you for your time.

Board Member Buzzutto stated alright, Dave.

Mr. Pierro stated please, if you need me to have the doors open, I'm closer than Dino. He's down in lower Westchester. I will make sure that I'm there or open the doors to...

Chairman Olenius stated we'll give you a call just to have you...

Mr. Pierro stated you can get into the...

Chairman Olenius stated walk us around and point to some stuff.

Mr. Pierro stated you can get into the rear of the... You can get into that residential structure.

Chairman Olenius stated okay.

Mr. Pierro stated Rich has got my number.

Chairman Olenius stated okay.

Mr. Rentoulis stated thank you very much.

Chairman Olenius stated thank you.

Board Member Buzzutto stated okay, fine.

Board Member Burdick stated thank you.

Board Member Buzzutto stated we'll be in touch. Now let's see.

Mr. Pierro stated Sarah's got my number as well.

Board Member Buzzutto stated this one's mine.

Chairman Olenius stated great, thanks.

Rich Williams stated there's one more issue that I would like the Board to take up, respectfully, and that is the Applicant request that fees be waived. The Town Board is looking for a recommendation from the Board as to how you feel about that, whether you want to waive them in whole or in part. And it is on for tomorrow night's Board agenda in anticipation that you would make a recommendation tonight.

Board Member Buzzutto stated okay.

Board Member Herbst stated they can pick up the bill. No problem.

Board Member Bodor stated well...

Rich Williams stated what you say.

Board Member Herbst stated you'll pick up the bill.

Board Member Buzzutto stated alright.

Board Member Bodor stated everyone who comes before this Board has to pay an application fee so I'm concerned and wondering why does this Applicant feel that they don't have to pay.

Mr. Pierro stated for one, the fee is doubled for the sign because it's preexisting sign; that is what the Town Code says.

Board Member Bodor stated the Town Code says what the fee is to be...

Mr. Pierro stated because...

Board Member Bodor stated and...

Mr. Pierro stated because it is a preexisting sign.

Board Member Bodor stated okay. And what about the other application.

Mr. Pierro stated the other application has had numerous building permits renewed over, and over, and over again, because during the time that this family was renovating this property after the fire, they did...they were short on insurance money. They did not have enough. They had to totally rebuild the roof structure. They had to put new trusses in, new roofs in, new electrical throughout that building. They paid numerous building...Every time the Building Department wanted another fee or another renewal, they paid it. And it is my opinion that they really have paid enough. Now this family has been good to the Town of Patterson. In my personal opinion, I think it's time for the Town of Patterson to be good to them.

Board Member Bodor stated I think every citizen in this Town is good for the Town of Patterson.

Mr. Pierro stated hopefully.

Board Member Bodor stated so we should, with that reasoning, what you're saying is we shouldn't charge any application fees to anybody.

Mr. Pierro stated well, this one has been charged numerous, numerous times. And if you...I can't tell you how many times we've paid just in the last few weeks to pay for renewals. To get into court because there's an open site plan. To have...Just to come here and discuss this with you cost this man \$350, for a sign that has been there for 40 to 50 years and is completely unfair. He is the only one, and I stress this severely, he is the only one that has been having a sign issue enforced for a Code violation that occurred in 1974. The only one. Now we're getting to a point where this is starting to be arbitrary. It's one thing to do your job as a municipality and enforce the law. But this Code changed in 1969 and people were given 5 years. Somebody dropped the ball. You can't blame everybody in this room because they weren't here in 1974. But this man and his family have paid, dearly. And I would respectfully request that we tried to continue...help him get this place straightened out and get it to a point where he can either put another tenant in there or sell the property. And in this time, in this market, I don't believe selling the property is very hopeful.

Board Member Bodor stated thank you.

Mr. Pierro stated thank you.

Mr. Rentoulis stated thank you.

Board Member Buzzutto stated well...

Chairman Olenius stated do we have to make a motion on that request, right, or can we wait until...

Joe Charbonneau stated they're only looking for a recommendation so I don't think it's necessary that you make a motion on it or anything like that.

Board Member Bodor stated the Board...The Town Board wants our input before they make their decision.

Joe Charbonneau stated right. But I don't think it's necessary to do it by form of motion is what I'm saying, for you.

Board Member Herbst stated I hope that's not my house [referring to the noise of sirens in the background]. There's nobody home but my...

Chairman Olenius stated so we can wait until the end until we get to other business on the agenda.

Joe Charbonneau stated certainly.

Chairman Olenius stated I want to think about it a little while anyway.

Board Member Buzzutto stated yes.

Chairman Olenius stated okay, so Case 09-11 and Case 10-11 are held over for site walks. Do I (inaudible – papers shuffling).

Board Member Bodor stated no. Just keep the public hearing open.

4) **CALEB SMITH CASE #11-11**

Mr. Caleb Smith and Mrs. Tammy Smith were both present.

Chairman Olenius stated okay. Agenda item 6.

The Secretary read the following legal notice:

Caleb Smith Case #11-11 – Area Variances

Applicant is requesting area variances pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings, and §154-7 of the Patterson Town Code, Schedule of Regulations, in order to replace and enlarge the existing rear deck and construct a new 2nd story deck above. The Code requires a minimum side yard setback of 30'; Currently exists is 10'; Applicant will have 10'. The Code also requires that not more than 12% of the lot be covered by impervious surface; Currently exists is 42%; Applicant will have 43%; Variance requested is for 31%. This property is located at 6-8 First Street (R-1 Zoning District).

Chairman Olenius stated Mr. Smith.

Mr. Caleb Smith stated yes. I'm Caleb Smith, 8 First Street. And this is my wife Tammy.

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

Mr. Smith stated I swear.

Chairman Olenius stated thank you. Tell us a little bit, in your own words, about what you're...want to do here.

Mr. Smith stated the rear deck...We bought the house about 8 years ago. We bought the house we knew that the existing rear deck was...needed repair. I believe some pictures were submitted of it. You know, the roof...It was approximately 6' x 14' wood framed, you know, covered with a roof. The roof was falling in. The deck was falling off the back of the house. The deck is no longer because we were, you know, getting to the point where we were afraid it was going to fall off. We'd like to enlarge the deck and make it a two-story deck with...You know, be able to come out of the dinning [room] onto the lower level and out of the master bedroom onto the upper level.

Chairman Olenius stated they both would extend from the house the same distances like...

Mr. Smith stated yes.

Chairman Olenius stated the upper one wasn't going to cantilever or anything like that. They're...

Mr. Smith stated yes.

Chairman Olenius stated mirror images of one another.

Mr. Smith stated they're mirror images of one another.

Chairman Olenius stated a roof above the second story deck, or no.

Mr. Smith stated no.

Chairman Olenius stated no.

Mr. Smith stated no.

Chairman Olenius stated just an open deck.

Mr. Smith stated open deck up top, yes.

Mrs. Tammy Smith stated and no stairs either. Someone asked us about stairs. There's no stairs connecting the (inaudible – too distant).

Chairman Olenius stated but the bottom floor one will only have stairs going to the lawn or the backyard.

Mr. Smith stated correct.

Mrs. Smith stated yes.

Mr. Smith stated you know, basically we're looking to do is...There's no pictures in there of the front porch, but basically we want the lower half of the rear deck to match the front porch because it's a...I don't know.

Mrs. Smith stated pavers.

Mr. Smith stated pavers on the lower level.

Board Member Bodor stated you're going to do this work yourself.

Mr. Smith stated as much as I can.

Board Member Bodor stated okay.

Mr. Smith stated yes.

Board Member Bodor stated you did the demo by yourself.

Mr. Smith stated yes.

Board Member Bodor stated yes. Tammy, too.

Mr. Smith stated yup.

Mrs. Smith stated my daughter, too, I guess.

Chairman Olenius stated so the proposed deck is slightly larger than what was existing and then it would go from...

Mr. Smith stated yes. It's going to be approximately...

Chairman Olenius stated each side of the house.

Mr. Smith stated four foot longer...or wider, and two foot deeper.

Chairman Olenius stated okay.

Mrs. Smith stated because on the other side where it's longer is actually where our Bilco doors go into our basement.

Chairman Olenius stated oh.

Mrs. Smith stated so it doesn't extend to the end of the house.

Chairman Olenius stated okay.

Mrs. Smith stated there's still enough space...

Mr. Smith stated it actually will go right up to those Bilco doors there.

Chairman Olenius stated okay.

Mr. Smith stated actually it's not 4 [feet], it's 6 foot wider.

Board Member Buzzutto stated do these decks still have the handicap ramp on it.

Mr. Smith stated no. You're thinking of the house across the street.

Board Member Buzzutto stated oh, that's not the same one.

Mr. Smith stated no.

Board Member Buzzutto stated oh, okay.

Mr. Smith stated you're thinking of my mother and father's house.

Board Member Buzzutto stated okay. Thank you.

Mr. Smith stated and to answer your question, yes the house still has the ramp.

Chairman Olenius stated I have to ask you, the impervious coverage seems excessive to me in reading the application. However, looking at your survey, I don't see it here. Is most of your property paved or something. I'm trying to...

Mr. Smith stated right now, the two front parking lots in front of the main house...

Chairman Olenius stated yes.

Mr. Smith stated and a sidewalk.

Mrs. Smith stated the two parking spaces.

Mr. Smith stated you can show them on that map right where it...

Mrs. Smith stated I'm sorry.

Chairman Olenius stated that's okay.

Mrs. Smith stated so right here next to our house, this is our walkway [referring to a survey], there's a spot for two vehicles right there where we park.

Chairman Olenius stated yes.

Mrs. Smith stated so we just had that area paved and our new walkway going to the front entrance of our house.

Chairman Olenius stated okay. So how do you access the garage from the back.

Mrs. Smith stated we have a driveway but it's not paved. It's just rock. It's...

Chairman Olenius stated okay.

Mrs. Smith stated it's the same drive...a dirt driveway. It's not paved, it's not pavers. It's just dirt and rock as it was when we purchased it.

Chairman Olenius stated how were these calculations...Do you know who figured them out, the impervious coverage.

Mrs. Smith stated the Planning...or the Building Department.

Chairman Olenius stated Building.

Mrs. Smith stated Cheryl and...Nick came out and measured the porch before we took it down.

Chairman Olenius stated okay.

Mrs. Smith stated and then he must have measured out front where the pavers were finished already.

Chairman Olenius stated okay.

Mrs. Smith stated but our lot's not that big to begin with so going over the 12% isn't hard, you know.

Chairman Olenius stated yeah, no. That wouldn't be hard at all. It's just hard for me to believe looking at this survey it doesn't look like you're...

Board Member Burdick stated close to 50%.

Chairman Olenius stated no. I'm not seeing that.

Board Member Burdick stated yeah.

Mrs. Smith stated I still have lawn to mow. I mean...

[Laughter].

Rich Williams stated Lars. I calculated the impervious coverage off of the digital area photos.

Mrs. Smith stated oh.

Chairman Olenius stated oh, okay. Cause, you know, the survey doesn't show any macadam or anything...

Rich Williams stated no.

Chairman Olenius stated so I thought maybe the macadam was extensive, beyond what...

Rich Williams stated no. And you got to remember the way we structured it in our Code, impervious coverage is anything that really doesn't have permanent vegetation on it.

Chairman Olenius stated okay.

Rich Williams stated so...

Chairman Olenius stated so like the dirt driveway would be, even though it's dirt, is impervious coverage. Thank you. Thank you for clarifying.

Board Member Bodor stated it's only going to change, though, 1% anyway.

Chairman Olenius stated yeah, right.

Board Member Bodor stated yeah.

Chairman Olenius stated I just...

Board Member Burdick stated you know, it just didn't...

Chairman Olenius stated kind of...

Board Member Burdick stated the numbers didn't add up...

Board Member Bodor stated right.

Board Member Burdick stated from the picture.

Board Member Bodor stated no.

Chairman Olenius stated no. I wasn't seeing that. So according to your application here, I'm sorry but you probably stated this before, this is what I was looking for, you're going to go 1' wider and 5' deeper than what's existing right now.

Mrs. Smith stated one...

Mr. Smith stated approximately. I guess it's...Yeah. It's around that.

Chairman Olenius stated okay.

Mrs. Smith stated and those measurements came from...Nick came out and measured before we took the porch down so that he could see the condition it was in.

Chairman Olenius stated okay.

Mrs. Smith stated I believe he measured it to be 7' x 15', and we were going 8' x 20'.

Chairman Olenius stated that's...Yeah. That's what...

Mrs. Smith stated yes.

Chairman Olenius stated what he has here on his calculations. Anybody in the audience have a comment on this case. Hearing none. Wow, 1905 this thing was built. Built to last.

Mrs. Smith stated or built to redo if you want to come help.

[Laughter].

Board Member Buzzutto stated that's two numbers, 6 and 8.

Mrs. Smith stated there's a legal...a legal apartment above our garage that my mother lives in. So she's number 6 First Street actually, and we're number 8...

Board Member Buzzutto stated okay.

Mrs. Smith stated on the 9-1-1 and on the tax map.

Chairman Olenius stated you did say legal apartment.

Board Member Buzzutto stated you did.

[Laughter]

Mrs. Smith stated I tried to say it correctly and...

Chairman Olenius stated I wanted to clarify...

Mrs. Smith stated a legal apartment. She's number 6 First Street and we're number 8. So on the tax map it's 6-8.

Board Member Buzzutto stated I guess she told me.

Chairman Olenius stated I just wanted to clarify that for the record.

Mrs. Smith stated please.

Chairman Olenius stated I knew what you were trying to say, but...

Board Member Buzzutto stated oh well.

Mr. Smith stated which we totally renovated that.

Mrs. Smith stated yes.

Board Member Buzzutto stated alright.

Mr. Smith stated received the (inaudible)

Mrs. Smith stated and the outside fence.

Chairman Olenius stated seems pretty cut and dry to me, you know. I mean, we've been out in these village streets so many times, you know, it's basically the same exact things.

Board Member Buzzutto stated you're going to close the public hearing, right. Did somebody do it.

Board Member Herbst stated oh, I'm sorry. What did you say. I was reading something.

Chairman Olenius stated are you okay with everything that's submitted. You have any further questions.

Board Member Herbst stated no.

Board Member Buzzutto stated I don't.

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

Board Member Herbst stated I'll second it.

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

Board Member Bodor stated you want me to do it [referring to reading the resolution].

Chairman Olenius stated I'll do the first one.

Board Member Bodor stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Caleb Smith, Case #11-11
*Enlargement of a Nonconforming Building***

WHEREAS, *Caleb Smith* is the owner of real property located at 6-8 First Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-1-43**, and

WHEREAS, *Caleb Smith* 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 replace and enlarge the existing rear deck to 8' x 20' and construct a new 8' x 20' 2nd story deck above, 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 30' side yard setback; Applicant can provide 10'; 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 *July 12, 2011* 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 as stated in the application, there was a preexisting deck there and the new one will only increase the property value and make it look nicer.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because as previously stated, it is replacing an existing structure.*
3. the variance requested *is* substantial *however not so much so as to cause a denial of the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because there was currently a deck there and it is just replacing, basically, the same impervious coverage as was there before.*
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 *Caleb Smith* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order replace and enlarge the existing rear deck to 8' x 20' and construct a new 8' x 20' 2nd story deck above.

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
Caleb Smith, Case #11-11
For an Area Variance for an 8' x 20' Deck

WHEREAS, Caleb Smith is the owner of real property located at 6-8 First Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-1-43**, and

WHEREAS, Caleb Smith has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to replace and enlarge his existing rear deck to 8' x 20' and add a new 8' x 20' 2nd story deck, and

WHEREAS, §154-7 of the Patterson Town Code requires not more than 12% impervious surface coverage; currently exists is 42%; Applicant will have 43%; **Variance requested is for 31%**, 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 **July 12, 2011** 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 it is simply replacing a dilapidated similar structure.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because as previously stated, it is replacing an existing, dilapidated deck.**
3. the variance requested **is** substantial **however not so much so as to cause a denial of the requested variance.**
4. the proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district **because impervious surface coverage is only increasing by 1% over what currently exists.**
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 **Caleb Smith** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, **of 31% impervious coverage from the 12% permitted**, in order to replace and enlarge his existing rear deck to 8' x 20' and add an 8' x 20' 2nd story deck.

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 now you can go back to Mr. Lamberti tomorrow.

Mrs. Smith stated thank you very much.

Chairman Olenius stated you're welcome.

Mr. Smith stated thank you.

Chairman Olenius stated good luck.

Board Member Buzzutto stated okay, thank you.

5) PUTNAM LAKE FIRE DEPARTMENT CASE #12-11

Chief James Gagliardi, Putnam Lake Volunteer Fire Dept. Chief, and Mr. Rob Schulze, Putnam Lake Fire Dept. President, were both present.

Chairman Olenius stated whenever you're ready.

The Secretary read the following legal notice:

Putnam Lake Fire Department Case #12-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of Regulations, in order to construct a 12' x 18' training station platform to the rear of the existing fire station. The Code requires a rear yard setback of 25'; Applicant will have 13'; Variance requested is for 12'. This property is located at...

TAPE ENDED

The Secretary continued to read the following legal notice:

This property is located at 72 Fairfield Drive (GB Zoning District).

Chairman Olenius stated come on up, Chief, and just state your name for the record.

Chief James Gagliardo stated yes. It's Chief James Gagliardo, Putnam Lake Volunteer Fire Department. I have a little brochure for everybody here to give you an idea of what we're looking to do with the New York State Bailout Codes and NFPA Codes. And we're planning to do this. [Passes out packet of information to the Board]. I have an extra if the attorney would like one, too.

Joe Charbonneau stated thanks. Appreciate it.

Chief Gagliardo stated basically what we're trying to do is, looking at the photos towards the rear of the pamphlet here, basically in the first set of pictures from the chimney to our existing building is where we would like to put our plat...this platform. Okay, it extends out 3' past the existing back of that building there just for the staircase to get up...members up and down on it. The next set of photos is a similar structure that Brewster Firehouse built on their property. Basically, we would like to do the same thing as this. The reason we're asking for two windows is because Brewster does company drills, which are only 3 or 4 people at a time. We do department drills which could be up 20 guys at a time. We have 6 certified trainers for these bailout systems that are required by New York State Labor Law, which is enclosed in the pamphlet also; a copy of the law and all that information. We have to do this training twice a year. The members have jump out...Any interior firefighter has to jump out this window and be able to use the system for safety purposes. I was just informed today that New York City had a member in Brooklyn that actually used it last week to bailout a window. It got too hot for him and he had to jump out. The last photos are basically us doing the train...the trainer. So you have an idea of what we're actually...need to do when we perform this task. It's, you know, an unfunded mandate, as usual, with New York State. They just threw this at us with these bailouts and it cost us another, almost \$25,000 just to retrofit 25 interior firefighters. So, in order for us to train them properly, we want to have our own little platform in the back in order to this where we could just, if a member shows up and would like to do it, it could take one or two of the trainers, setup our mat that we ordered; we also ordered the mats that are on the last page there. That was another cost unfortunately, but it's a safety issue, also, for us. This way here, we have our own platform, so a member needs to refresh it, we could just take them upstairs and...without an hassles and do it instead of going to Carmel, which is not quite the facility for this. They don't have it setup because not everybody in Putnam County has it yet. There's only three departments on this side of the County that have this system. It's us, Brewster and Patterson purchased them also. The rest of the County has their plan in effect, but they did not actually purchase the systems that are required by the State, so the training center in Putnam County is not setup to do it properly yet.

Board Member Bodor stated they don't have the proper setup over there.

Chief Gagliardo stated not yet.

Board Member Bodor stated because that's been in existence forever over there.

Chief Gagliardo stated right. It's an old building. They don't...In order for us to do it there we would have to take almost an hour to just pre-setup beforehand because then we would have to put safety ropes up because they don't have a platform to land on. They don't have a, you know, the windows are a lot higher so we'd have to have a safety rope tied off, also, on the person which is a whole nother ordeal to try and train the person to actually do this. I do it in Westchester County. I'm also a professional firefighter in Westchester. We go to our training facility in Westchester County, but like I said, we have to have different harnesses on, on top of the harnesses that we have to wear in order to jump out the window because it's a second, third floor window down to the ground where this is only to be approximately 10 to 12 feet, because you have to jump out the window to load the system in order to be where you could just stand in the air without moving. So we can't do it at too low, that's why it's approximately 10-12 feet high.

Board Member Buzzutto stated would this structure be available to other departments if they need to...

Chief Gagliardo stated if they need to, yes. Right now we use Brewster's but every time we go there we have to call our insurance company, get a certificate of insurance for that day, go over and we're only allowed to do 5 guys at a time.

Board Member Buzzutto stated yeah.

Chief Gagliardo stated so with this structure here, yes. We would allow...

Board Member Buzzutto stated would accommodate...

Chief Gagliardo stated Brewster to come to us. Patterson would come to us.

Board Member Buzzutto stated okay, fine.

Chief Gagliardo stated because Patterson...I went through training with Patterson; they have 6 train to trainers. We have 5 train to trainers...6 train to trainers. And Brewster also has 6 train to trainers, on this particular system. So we could intermingle with other departments also, yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated do you have a recent survey of the property over there.

Chief Gagliardo stated I didn't bring one with me, no. But I do believe there is one in the Town for the proposed cell tower. I believe there's one.

Rob Schulze stated there was one in...

Chief Gagliardo stated no, there's not one.

Rob Schulze stated when I was here last week they had one.

Board Member Bodor stated well, we need one as part of this packet.

Chief Gagliardo stated okay.

Board Member Bodor stated what's bringing it to light is the discrepancy in relationship to the size of the property that the firehouse is sitting on. According to the information given to us, 59,580 square feet or 1.37 acres per the Assessor's records and then the site plan has 35,789 square feet plus or minus .82 acres. This is quite a difference. It's not...we're not...

Chief Gagliardo stated yeah.

Board Member Bodor stated talking about one foot.

Chief Gagliardo stated okay.

Board Member Bodor stated we need as part of your submission a survey.

Chief Gagliardo stated an updated survey.

Board Member Bodor stated yeah. An updated survey.

Chief Gagliardo stated okay.

Board Member Bodor stated what you've given us is an ancient site plan actually. This has phase 1, phase 2. This is an old thing. This is not a survey.

Chief Gagliardo stated alright, Rob, do we have a new survey. This is Rob Schulze, he's our President of the department.

Rob Schulze stated back in '99 when we put the addition on our building we had a survey. Obviously we needed to have a survey done. When I was with, what's her name, Cheryl, is that her name.

Chief Gagliardo stated Smith, yes.

Rob Schulze stated yeah. She had had a site plan or a, what's that called. Sorry.

Chief Gagliardo stated survey.

Rob Schulze stated survey, thank you. Survey she had pulled it out for us and she had marked stuff on...marked...

Chief Gagliardo stated that must be what she had.

Board Member Bodor stated is this what she had [referring to the site plan submitted]. This is a site plan.

Board Member Burdick stated yes, it's not a survey.

Board Member Bodor stated it's not a survey.

Rich Williams stated that was a site plan that was modified as part of the construction. Rob's absolutely right. When they came in the last time for the site plan to do the addition they based that site plan on a survey...

Rob Schulze that yeah.

Rich Williams stated and that showed that it was .82 acres. I pulled that out and confirmed that it was .82 acres. I don't know where the discrepancy is now coming up where they're showing...The cell tower when they came in and showed...

Rob Schulze stated right.

Rich Williams stated 1.37 [acres]. I'm not sure where they got that...

Rob Schulze stated right. I don't know where they...

Board Member Bodor stated so the discrepancy is showing up on the cell tower app[lication] also.

Rich Williams stated yes it is. Yeah it is.

Board Member Bodor stated it needs to be verified which way it is. It needs to be proven one way or the other. I mean, that's a lot of difference.

Rich Williams stated yeah. And as part...As I informed you earlier, as part of the cell tower application I think it's appropriate to do the updated survey because of the siting of the cell tower. I think that's needed.

Chairman Olenius stated so, you're verifying that it's...

Rich Williams stated so, they are going to be doing that.

Chairman Olenius stated that our Building Department has a survey that's .82 acres. Is that what you're verifying to us tonight.

Rich Williams stated I'm verifying to you the original site plan that was done when they did the addition, the architect who did the site plan based it on the survey that was .82 acres and by planimetric measurement, I confirmed that.

Chairman Olenius stated and how old was that survey.

Rob Schulze stated I think the building was built in '99. '99 or 2000.

Chairman Olenius stated so it's relative.

Rob Schulze stated yes.

Rich Williams stated so it's...The boundaries haven't changed.

Rob Schulze stated right. The boundaries haven't changed.

Board Member Bodor stated okay, but now I'm hearing on the application for the cell tower there's still this 1.37 acres floating around.

Rich Williams stated yeah, I...

Board Member Bodor stated is that what I heard.

Rich Williams stated yes, that's what you just heard but I don't know where they got that. Whether they just...

Chief Gagliardo stated they might be including the piece of property that we own behind the firehouse on that.

Rob Schulze stated it's not...

Rich Williams stated adjacent.

Chief Gagliardo stated it's not attached to the property but it's behind...The next road over we have a 40 x 100 [foot] lot back there that was donated to us. I'm wondering if that's part of that 1.3 [acres].

Rich Williams stated they didn't show that as part of the application...

Chief Gagliardo stated okay.

Rich Williams stated so I...

Chief Gagliardo stated I don't know where they're coming up with 1.3. I know it ain't that big.

Rich Williams stated it could be they pulled it off the Assessor's records.

Board Member Bodor stated and where did they get it from.

Rich Williams stated that I have no idea.

Board Member Bodor stated it's kind of hard to make a decision when you don't know what piece of property you're dealing with.

Chairman Olenius stated I'm wondering if the Assessor...if the lots were ever combined and donated. That piece could...

Chief Gagliardo stated it might...

Chairman Olenius stated be combined on an adjacent lot.

Board Member Burdick stated it's not adjacent.

Board Member Bodor stated it's not contiguous.

Rob Schulze stated it's not an adjacent lot.

Board Member Burdick stated it's not adjacent.

Rob Schulze stated it's on a different road on the opposite side of Dryden [Road].

Chief Gagliardo stated up on the other side of Dryden Road.

Chairman Olenius stated has that ever been ever done before, Rich, that you know. That like a separate property is...No.

Rich Williams stated not that I'm aware of.

Chairman Olenius stated okay.

Rich Williams stated it's a separate tax map because...

Chief Gagliardo stated it's a separate parcel altogether.

Rich Williams stated it's segregated from everything else.

Chairman Olenius stated right.

Rich Williams stated so it should have its own RPS data.

Chairman Olenius stated got you. So I'm reading through your letter here, and you're telling...the State mandates that you do it twice a year.

Chief Gagliardo stated right.

Chairman Olenius stated the manufacturer recommends a minimum...

Chief Gagliardo stated quarterly.

Chairman Olenius stated quarterly.

Chief Gagliardo stated right.

Chairman Olenius stated and you're saying you'd like to even offer it more often than that...

Chief Gagliardo stated well, we want to be able to offer it to...

Chairman Olenius stated have the facility if somebody other than you...

Chief Gagliardo stated right. To somebody that's not...Because, like, even doing training at...training the guys now is I'm one to train the trainers. Some of the guys are not comfortable doing it and if it's a cool night or something and we really don't have the drill for say a schedule, if they want to go upstairs and do it, we'll pull the mat out and we'll go do it. You know, it's not going to be a regular schedulely thing. I mean if it's open to where somebody would say, oh, let's go jump out the window for the heck of it tonight, you know, okay. We have the training units for that purpose. We bought six different units that are just for training because once you use your actual system for bailing out, it's null and voided. You have to send it back and they send you a brand new one because it's a totally different setup where hooks or steel hooks for the trainer's not aluminum because they're made lighter for us. Ours is a onetime use; the ones that are issued to each individual person. The trainer ones are setup for that reason. They have steel hooks. They have different components on it. It's the same setup but it's just for training purposes and you can use them "x" amount of times before you have to change the ropes on them. Where the, like I said, the original...The issued system and setup that you'll get as a member is yours. You have to maintain it. It's in a sealed package so if the rope is actually pulled out of it, it's null and voided.

Board Member Buzzutto stated oh.

Chief Gagliardo stated so then the manufacturer knows it.

Board Member Bodor stated it's a onetime thing.

Chief Gagliardo stated it's a onetime use, yes. And if you use it for an actual bailout the manufacturer gives you a new one for free. If somebody plays with it then we have an issue with that individual.

[Laughter]

Board Member Bodor stated I guess they have to buy a new one.

Chief Gagliardo stated because they're about \$600 a piece, yes.

Board Member Bodor stated wow.

Chief Gagliardo stated nothing's cheap once it says "fire service" attached.

Board Member Bodor stated or (inaudible).

Chief Gagliardo stated yeah.

Chairman Olenius stated in relation to this picture, Chief, the picture of the back of the firehouse showing the chimney and the thing.

Chief Gagliardo stated we want to go from... We basically want to attach it to this...

Chairman Olenius stated oh, right about at that, right.

Chief Gagliardo stated it's going to be attached to that.

Chairman Olenius stated okay.

Chief Gagliardo stated the deck. And then we're going to come straight across and with a 3' set of staircase going down, which is going to be fenced off of course.

Chairman Olenius stated that's what...

Chief Gagliardo stated yes.

Chairman Olenius stated that was where my next question was going to go.

Chief Gagliardo stated it's going to be closed off because I don't want kids going up there hanging out.

Chairman Olenius stated thank you.

Chief Gagliardo stated plus, we also now have cameras back there that we could change so it can be watched all the time.

Chairman Olenius stated good.

Board Member Bodor stated how high up is it.

Chief Gagliardo stated it's going to be approximately 10 to 12 feet.

Board Member Bodor stated high...

Chief Gagliardo stated yes.

Board Member Bodor stated from the ground.

Chief Gagliardo stated in order to load the system properly, as you can see in the other pictures, you have to be able to free stand for...once you get out the window. You could basically hang out the window and almost touch the ground...

Board Member Bodor stated touch the ground.

Chief Gagliardo stated within 5'. That's the way which I was trained 25 years ago. But now with all this modern technology they, you know, you jump out the window and you hang there and then you just grab the thing and you lower yourself down nice and gradually. So the idea of it is so you're still not in danger where if you do slip, which has happened; Guys landed upside down on us already. But with the system attached to them they can't go nowhere. They just basically hung upside down for a little while, which is also part of the training to show them how to get out of that situation if that does happen, and it did happen, so...

Board Member Bodor stated I see there's a house right up on the property where you're planning to build this. Is that screened from your...

Chief Gagliardo stated there's a fence...

Board Member Bodor stated visibility.

Chief Gagliardo stated there, yes. There's an 8' high fence around the whole back of our property.

Board Member Bodor stated and are there plantings there.

Chief Gagliardo stated yes. There's plantings, trees.

Rob Schulze stated the...

Board Member Bodor stated you'll have to come here and use the mic please and give your name so we can identify you.

Rob Schulze stated President Rob Schulze, Putnam Lake Fire Department. The fence itself has...it's, I think, it's an 8', 9' fence, but it has interwoven in it, it has...

Board Member Bodor stated slats.

Rob Schulz stated green...Yeah. Little slats...

Chief Gagliardo stated it looks like...

Rob Schulze stated it looks like bushes.

Chief Gagliardo stated bush type thing.

Rob Schulze stated it's like garland.

Chief Gagliardo stated yes, garland basically.

Rob Schulze stated it's similar to garland. It goes up in every slat.

Chief Gagliardo stated every slat has...every gap has it...

Rob Schulze stated we can't...

Chief Gagliardo stated throughout the fence.

Rob Schulze stated we can't see their house when we're on the ground. They won't be able to see...They don't see the back of our building because along with the fence, there's also a bunch of trees in between the properties.

Board Member Bodor stated that's what I was...Yes, alright.

Rob Schulze stated so you really can't...

Board Member Bodor stated because they are higher than you are. Are they not.

Rob Schulze stated right.

Chief Gagliardo stated they have houses way off the other side.

Rob Schulze stated they have vehicles and stuff behind their house that we can't even see, so...

Board Member Bodor stated yes.

Chairman Olenius stated this is where the deck's proposed. That house is a little bit, you know...

Rob Schulze stated yes, that house is...goes straight towards Haviland Road.

Board Member Bodor stated right.

Board Member Buzzutto stated are you satisfied with the figures on the survey and stuff like that.

Chairman Olenius stated I think for this application I am.

Board Member Buzzutto stated yeah.

Chairman Olenius stated I mean, when we get into the more serious application I'd like to see a new survey.

Chief Gagliardo stated well, that's an old...

Chairman Olenius stated that's my personal opinion.

Chief Gagliardo stated right. That's...

Chairman Olenius stated I can't speak for the Board.

Board Member Buzzutto stated you're speaking for me.

Chairman Olenius stated I am.

Board Member Buzzutto stated yeah.

Chairman Olenius stated well, I get lucky sometimes.

[Laughter].

Board Member Buzzutto stated okay.

Chairman Olenius stated what's your timeframe to try and get this...

Chief Gagliardo stated last week.

Chairman Olenius stated all together. Yeah.

[Laughter].

Chairman Olenius stated I kind of got that impression when...

Chief Gagliardo stated because I have...

Chairman Olenius stated I saw you spent all this money and bought everything.

Chief Gagliardo stated well, everything's ordered and in order to be compliant with going mutually with other departments, technically, everybody's suppose to be up-to-date already, and we're behind. We only have seven, plus the six trainers, trained right now to do it out of 25 guys. Twenty-five people, excuse me. Got to be politically correct.

Board Member Bodor stated you have 25 interior firefighters.

Chief Gagliardo stated at this time, yes. But we just had three...two...four graduate firefighter 1, but they're not 18 yet; two...three of them. So they can't be interior.

Board Member Bodor stated okay.

Chief Gagliardo stated they're certified for interior but they got to wait till they turn 18.

Board Member Bodor stated have to wait.

Chief Gagliardo stated yeah.

Chairman Olenius stated anybody in the audience have a comment on this case.

Bob Lane stated I have a couple questions I...My name's Bob Lane. I live on Dryden Road, and my main concern is noise issues. I mean, you know, I would never say you can't train because I might need you. But my concern is hours of operation of the training because there's sometimes when you guys do it, not

just you guys, but if you're cutting cars up and stuff like that, that runs long sometimes. And it gets noisy during the week or weekend. My concern is hours of operations, noise issues, stuff like that.

Chief Gagliardo stated we usually drill on Wednesdays from 7 to 9 and Sundays at least 10 to 12.

Bob Lane stated alright.

Chief Gagliardo stated that's our usual...

Bob Lanes stated you already answered the security question. My main concern was...

Chief Gagliardo stated yes. We have a camera on. We have a camera on the back...the back door of the building. I don't know if you could see the back door of the building. But there is a camera.

Bob Lane stated I'm aware.

Chief Gagliardo stated and we have two...

Bob Lane stated we got robbed last year, your cameras were...

Chief Gagliardo stated okay.

Bob Lane stated things we used.

Chief Gagliardo stated we also have the capability of putting three more on the system if we need to.

Bob Lane stated my main concern...

Chief Gagliardo stated but we want to close it off so nobody could climb...

Bob Lane stated right.

Chief Gagliardo stated there.

Bob Lane stated yeah, because the kids will hang...

Chief Gagliardo stated yeah. Exactly.

[Laughter].

Chief Gagliardo stated they hang out on our roof instead.

[Laughter].

Bob Lane stated that was my main concern, is the...

Chief Gagliardo stated yes. Our hours of operation, usually we drill on Wednesdays from 7 to 9 and Sundays we're there from 10 to 12.

Rob Schulze stated and that's when there's no machinery involved.

Chief Gagliardo stated yup.

Bob Lane stated that's the only question that I...

Chief Gagliardo stated yes. Everything is main...manual equipment. It's really no tools involved with it.

Chairman Olenius stated it didn't sound like there were any tools with...

Chief Gagliardo stated yeah, well the only tools...

Chairman Olenius stated this particular...

Chief Gagliardo stated you do practice with...I shouldn't say there's no tools. It's basic hand tool, a haligan. I don't know if anybody's familiar with it. Or just a long hook where you have to...part of the...one of the scenarios is to use the tool to lock in to...hook on to the jump out. So you have...Because everybody's suppose to be carrying a tool with them and when you're in a building you don't always have something to tie to so you use the actual tool to prop against the window as you jump out.

Chairman Olenius stated I don't have anything more on it.

Board Member Bodor stated he did a good job.

Chairman Olenius stated I was pretty happy about it.

Board Member Bodor stated I noticed.

Chairman Olenius stated I do agree with the comment about the acreage. You need to resolve that.

Board Member Bodor stated yes.

Chairman Olenius stated I don't think in so much for this application...

Board Member Bodor stated no.

Chairman Olenius stated as for the possible pending one.

Board Member Bodor stated yes.

Chairman Olenius stated so I think they've been aware of that at this point. You guys alright.

Board Member Buzzutto stated yes, fine with it.

Chairman Olenius stated I want to 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
Putnam Lake Fire Department, Case #12-11
*For an Area Variance for a 12' x 18' Training Station Platform***

WHEREAS, *Putnam Lake Fire Department* is the owner of real property located at 72 Fairfield Drive (GB Zoning District), also identified as **Tax Map Parcel #36.31-1-17, and**

WHEREAS, *Putnam Lake Fire Department* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to construct a 12' x 18' training station platform in the rear of the fire station, and

WHEREAS, §154-7 of the Patterson Town Code requires a 25' rear yard setback; Currently exists is 20'; Applicant will have 13'; ***Variance requested is for 12'***, 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 ***July 12, 2011*** 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 area in which the deck is to be installed is well screened from any close neighbors.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because it is mandated that these firefighters receive this type of training.***
3. the variance requested ***is not*** substantial ***because they are still going to have some separation from the rear yard setback.***
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's directly adjacent to a garden area and appeared from the photos that there was some impervious surface underneath that existing area, currently.***
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 ***Putnam Lake Fire Department*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 12' from the 25' required for a rear yard setback,*** in order to construct a 12' x 18' training station platform in the rear of the existing fire station.

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 have at it, Chief.

Chief Gagliardo stated thanks ladies and gentlemen. Have a good night.

Board Member Burdick stated good luck.

Chief Gagliardo stated okay.

Rich Williams stated Mr. Chairman. Pursuant to the previous application, the Town has received a request to waive the application fees and the postage on this application. I believe the Town Board would like to take it up tomorrow, see if they have a recommendation from the Zoning Board if you so choose to make one.

Chairman Olenius stated I think we'll make those recommendations at the end.

Board Member Buzzutto stated at the end. You want to do it then.

Chairman Olenius stated we're going to do them all at once.

Board Member Buzzutto stated okay, fine.

6) JOSEPH DOWNEY CASE #13-11

Mr. Joseph Downey was present.

Board Member Buzzutto stated now we got Joe Downey.

Board Member Herbst stated we got the last one, is Downey.

Board Member Buzzutto stated Downey.

Chairman Olenius stated if you're ready, I'm ready [referring to the Secretary reading the legal notice].

The Secretary read the following legal notice:

Joseph Downey Case #13-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of Regulations, in order to replace and enlarge his existing garage and attached shed. The Code requires the to be a 25' rear yard setback; Applicant will have 1'; Variance requested is for 24'. This property is located at 149 Stagecoach Road (R-4 Zoning District).

Chairman Olenius stated Mr. Downey, finally got to you. State your name and address for the record please.

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

Chairman Olenius stated you promise the testimony you're going to give to us tonight is the truth and the whole truth.

Mr. Downey stated yes.

Chairman Olenius stated thank you. Tell us, did the legal read to what you're looking to do. The Secretary just read.

Mr. Downey stated to make my garage a little bit larger and more useful. So, at the present time I own a Toyota pickup and mine is way too big for the garage, but my wife's truck is (inaudible – papers shuffling). That thing in the garage and there's like about a foot all the way around, that's about it. So I'm going to make my garage two feet wider on each side to allow and be able to walk around the vehicles when we park two vehicles in the garage. And there's like this shed thing that somebody built years ago on the backside of the garage. I'd like to incorporate that into, you know, (inaudible – too distant) garage, I'd like to make a barn style, carriage house garage.

Chairman Olenius stated so what you're saying is this shed piece you'd like to incorporate into the main part of the structure.

Mr. Downey stated yes.

Chairman Olenius stated is that...

Mr. Downey stated the back shed, barn...

Chairman Olenius stated okay.

Mr. Downey stated and it's 1.9 feet off of the property line now. I, you know, it's...I don't know where they got the .9 from but they're going to make it 1 foot. The property behind me, as you see, is State land. On the south side of the garage there's this other garden shed type of thing attached to it that I'd like to make...I'd like to remake that and enlarge that and basically have one slab that will cover a whole new garage, barn, and with an attached garage, and move that to where the south side is. I just want to make that larger, but it's probably going to wind up being the same fashion as, you know, the...My initial plan was to have the roof come down towards the road but I don't think it's going to work out like that. I think I'm going to stay with, if I do this, the gable end to face the road because I'm looking at 24 [feet] wide by 32 [feet] deep, and if I put it the other way it's just not going to look right.

Chairman Olenius stated your submission states 22' wide, 32' deep.

Mr. Downey stated does it say 22 [feet]. I thought it was 24. Okay.

Chairman Olenius stated with this submission.

Mr. Downey stated yeah, right. Twenty-four. I'm sorry.

Chairman Olenius stated oh, no. Now this one says 24.

Board Member Buzzutto stated yeah.

Mr. Downey stated does it. Yeah, I mean...

Board Member Buzzutto stated two-story. Two-story garage.

Mr. Downey stated yeah, 24 is what I'm looking at. Because right now I'm like 19 wide, if not mistaken. I think I have (inaudible – too distant). Yeah, actually, no. The existing is 22 wide, I wanted to go 24 wide. So I'm basically adding a foot on each side.

Board Member Bodor stated this is existing on here.

Chairman Olenius stated I see.

Mr. Downey stated the existing is a copy of my survey. The survey I think is dated 1998.

Board Member Bodor stated this says you wish to replace and enlarge. Are you going to take down the existing structure.

Mr. Downey stated I'd like to, yes. It's old and it's not useful. I mean, it's... We've been dealing with it... We've owned the home for 12 years now, but it's not maximized. Our property is... The way the property is set up I have no backyard really, so I'm forced to deal with what I have. But the way the back shed is, it's dilapidated. I'd like to make the whole footprint of the garage where it says Shed A Garage [referring to the survey] on my survey, to make that the main structure and then take the little thing on the south side and make that like an accessory, like a shed attached to it.

Board Member Bodor stated the C and D, or that other little shed over there.

Mr. Downey stated the C and D, yes. That's what I call the shed that I want to...

Board Member Bodor stated okay.

Mr. Downey stated reattach.

Board Member Bodor stated is it possible since you're taking down the existing to move the structure forward, to give yourself more than just 1 foot off the back.

Mr. Downey stated I could do that, yeah.

Board Member Bodor stated I would rather see that.

Mr. Downey stated yeah. I have a pretty short driveway as it is now. But I could do that. I mean, you know, I'm asking for...just to round it up to the foot on the backside but I could go the other way. I could, you know...

Board Member Bodor stated could you come out like 5' from the rear line.

Mr. Downey stated yeah, I really can't.

Board Member Bodor stated why not.

Mr. Downey stated because I'd just be moving...I'd be shortening my driveway. I have two small children and they ride their bikes in the driveway, and the only other option is for them to ride in the road and...

Board Member Bodor stated well how long is the driveway now.

Mr. Downey stated about...It's about 50' long because it's...The house is 25' deep, so if you double the house up (inaudible) it's about 50'.

Board Member Bodor stated I'd like to see you come in off that rear line because you've got a foot there. Suppose you needed to put a step ladder up against the back of the garage. You're on the State property.

Mr. Downey stated yeah. Yeah.

Board Member Bodor stated you can't do anything behind the garage without going on someone else's, in this case, the State's property.

Mr. Downey stated yeah. One thing to consider is that the way the property line goes, it goes...it's tight at the northeast...

Board Member Bodor stated yes.

Mr. Downey stated northwest corner. I didn't have...I don't have a measurement of the southeast corner of the garage, but, you know, it is definitely more than 1.9 feet. You know, the closest is...So if I was going to put something like that, a ladder or something, it could be in the southeast corner...or southwest corner, rather. But, I, you know, I hear what you're saying, you know.

Board Member Bodor stated I want you to stay on your own property when you're working on it.

Mr. Downey stated yeah, yeah. I'm really limited on with what I can do with the property. But the garage is, you know, basically is doing it so that I can put two cars in there and have the additional space in there. The garage is much smaller than the house if you're looking at...Did you see pictures. I emailed pictures before I made...

Board Member Bodor stated I don't have any pictures, just...We don't have any pictures attached.

Mr. Downey stated okay.

Board Member Bodor stated the only photo is the one from the Assessor's Office.

Mr. Downey stated the garage is much smaller than the house with size relationship. So what I'd like to do is go taller with the garage and make it a little bigger.

Chairman Olenius stated that could become an issue too, because you can only go so big with an accessory structure in relation to your primary residence. There's limitations on that as well.

Mr. Downey stated well, eventually I'm going to come back in and ask to do a wrap around porch with a little, you know, maybe a 5'...8' bump out of my house. I'm aware that there's certain spacing requirements too, otherwise I'd have to attach it, so...

Chairman Olenius stated Rich, could you save me from looking through the Code book and telling me what that ratio is of bulk size so the garage to the main residence...

Rich Williams stated 50% principal structure.

Chairman Olenius stated 50% principal structure.

Rich Williams stated by volume.

Chairman Olenius stated by volume. That's right.

Mr. Downey stated I'm not sure how that's going to (inaudible) then. I'm going to have to talk to an architect or something about that, but my house is 25 x 25 and it's probably about that tall.

Board Member Buzzutto stated but the 5' that Mary said, you can't see the 5' bring it out from the rear line.

Mr. Downey stated I can, but I'm just, you know, really frowning upon making my driveway shorter.

Board Member Buzzutto stated yeah.

Mr. Downey stated if I don't have to, I'd rather not, you know.

Board Member Bodor stated I'd like to go out and just walk this and see if we can come up with something that works better.

Chairman Olenius stated yeah, I kind of...I'm kind of interested in this bulk area aspect area of it, too...

Board Member Bodor stated yeah.

Chairman Olenius stated because I'm thinking we're really...we really need those measurements because if you're here for one variance and then you have to come back before a CO for an additional one for the same, I'd like to make sure everything was covered at once.

Mr. Downey stated yeah. If you look at my drawing of what I'm asking for actually is...You know, my B depth right now...

Chairman Olenius stated yes.

Mr. Downey stated on my survey is actually 32'. So that's basically what I have already, you know, and what I'm asking for is not to go any deeper. It's basically to incorporate that back shed into the garage just to make the thing look proper. You know, I could rebuild what's there, but the way it's setup, it's just not proper. You know, it makes more sense, it's more useable to me, to make that part of the main structure of the garage and just, you know, rebuild the garage and then have like the upstairs of the garage you can barely standup in the middle, you know. With the appearance of the garage versus the house, I have pictures on my cell phone, I can show that if you'd like. I did email them to the (inaudible) back when I applied. But, what I'm really asking for is you look at my drawings, is to make the side shed, the one that's C and D measurements, basically looking to make that bigger and go back to the corner of the shed where it is now. And I was told that I needed to get a variance because the whole things preexisting. I mean, I could repair what's there without a variance, I would imagine, but it make more sense to make it a foot wider on each side, you know. And then I just want to...

Chairman Olenius stated it's just...it goes into what you're saying, enlargement of a nonconforming building, you know what I mean.

Mr. Downey stated yeah.

Chairman Olenius stated now you get into all these other additional...

Mr. Downey stated yeah. If I didn't enlarge it I wouldn't have to be here, correct.

Joe Charbonneau stated if you enlarged it.

Mr. Downey stated if I didn't. I just rebuilt what was there. Then I could tear the thing down and rebuild what was there, would I need this variance or...

Chairman Olenius stated if you went for a building permit, you would because you'd find out that you were in violation of the Code and I think...

Mr. Downey stated well, I'm preexisting, nonconforming though, you know.

Rich Williams stated if it was determined he was preexisting...

Joe Charbonneau stated he should be able to repair (inaudible).

Rich Williams stated yeah. And without knowing all the facts, we're shooting from the hip here so, you know, take it for what it's worth, possibly, yes.

Mr. Downey stated yeah. What my plan was, is, originally was to just incorporate the measurement C and D into the main garage in...the back shed of the main garage. But then I got to doing, you know, looking at it and I'm thinking to myself it would be nice to go a foot wider just so I could walk around the vehicles but, you know, I don't have to go closer to the State land. You know, it is what it is now. I mean, I could move it...I could shorten it. Back there I could move it...I could take a foot away from the back and move it to the front, but again, I really don't want to make my driveway any shorter because part of it is when I'm like on my deck, if the garage comes forward, if you look at the...the deck...If I'm standing on my deck, I

have a nice view looking down this way, and if I move the garage forward five feet, I'm just taking away that view.

Board Member Bodor stated you only got to move it 4'. You've got a foot on the back, so I'm asking for 4'.

Mr. Downey stated yeah.

Board Member Bodor stated it's not going to obscure that much.

Mr. Downey stated no, no. It wouldn't.

Board Member Bodor stated no.

Mr. Downey stated and I would certainly consider that. If that would make this work, then I think that I...

Board Member Bodor stated that's what I'm asking.

Mr. Downey stated yeah. If that would make it work I'd be (inaudible).

Board Member Bodor stated no, I'm not asking you to put it out by the road or anything.

Mr. Downey stated yeah.

Board Member Bodor stated just bring it off that back line.

Mr. Downey stated yeah. Yeah, I'd consider that.

Board Member Bodor stated you might have some more grass to cut but it's only one swath.

Mr. Downey stated oh, I don't mind that. It's just it's all about the view standing on the deck. If I need to shorten the garage by 4', then maybe I'll just do that and not even go forward towards the road, you know.

Board Member Bodor stated what do you want to do.

Mr. Downey stated you know, one of the considerations is my wastepipe runs out of my house and that's right in front of the garage, too. So if I'm moving the garage forward, now my wastepipe from the house goes underneath the garage and then along back.

Board Member Bodor stated your waste...You mean your septic.

Mr. Downey stated yeah.

Board Member Bodor stated is going where. Where is the septic.

Mr. Downey stated the waste...the septic is on the (inaudible) part of the yard but the wastepipe runs out. The house is actually, where the drawing of the house is, actually the house is a little farther out here. But the wastepipe comes out at the corner of the house which is here, and runs across the front of the garage.

So if I were to move the garage forward, I'd have to see where, you know, measure out where the wastepipe is.

Board Member Bodor stated where that pipe is.

Mr. Downey stated but I don't want to be on top of that either.

Board Member Bodor stated no.

Mr. Downey stated because if I have a problem...

Board Member Bodor stated I know. I understand that.

Mr. Downey stated I'd rather cut the driveway up.

Board Member Bodor stated that makes sense.

Board Member Buzzutto stated is there a stream there or something.

Mr. Downey stated there's on the backside of the, you know, behind the stonewall, there's a seasonal where there's a pond out on the State land where...

Board Member Buzzutto stated yeah.

Mr. Downey stated when we have a heavy rain it will run and then it will dry up in the matter of a day or two. You know, I mean if it rains steady for a week, then there's a little something going through there. It's not like a...It's not a real official stream. I've cleaned it out since I've owned the house so that the water won't bleed onto, you know, my backyard that I have there. You know, make it go off...run off going down...

Board Member Buzzutto stated yeah.

Mr. Downey stated my property. So it would all runoff, too.

Board Member Buzzutto stated did you want to go see it. Look at the...

Chairman Olenius stated I guess it would be easier and I'm thinking that in that time, you'd probably want to make a decision as to...

Mr. Downey stated yeah, I'm not in a major hurry.

Chairman Olenius stated if you were going to rebuild or repair.

Mr. Downey stated yeah, that's basically what I want to...

Chairman Olenius stated and you could probably in that meantime, too, get an idea of what your bulk area is of your existing house. Because if I recall, that includes the front porches, too, right. The covered front porch is part of the bulk area. Am I wrong.

Rich Williams stated generally, we exclude the porches and decks.

Chairman Olenius stated okay.

Rich Williams stated generally. And if there's a question, I can certainly work it out with Nick, make sure that the numbers are checked. And if we need to amend something, then we'll get a hold of...

Chairman Olenius stated it's just so when he goes through all the rigmarole, I'd rather he knew from the outset what you're up against, you know...

Mr. Downey stated yeah.

Chairman Olenius stated then...

Mr. Downey stated well, one concern...I actually wouldn't mind you guys coming up and taking a walk because eventually I'd like to come out...I'd like to make my dining room maybe like 9', 8', something like that, bigger. But, you know, I know that there is certain limits on how close I can go to the garage without attaching it. I don't want to lose my view from the deck. It had a deck put on a couple years ago. You folks were out there, and you know, it's...

Board Member Buzzutto stated is there anything in the Code that if you tear something down completely, you can only build on the original footprint.

Rich William stated a preexisting, nonconforming structure without it being torn down completely, but that doesn't limit an individual that has a preexisting, nonconforming structure or use of the property continue that use to do basic maintenance on that as long as they are not enlarging it or changing the location or the use.

Board Member Buzzutto stated well, he would be enlarging it though, if he tears it completely down.

Rich Williams stated well, if he tears it completely down and enlargers it, then he would need variances to do that.

Mr. Downey stated the minimum I'd like to accomplish here is to incorporate the parts shed on the backside of the garage into the main structure. I'd like to rebuild my garage, make it (inaudible) where you could have a real room upstairs for like, you know, game room or just storage or whatever. I'd like to put on the north side facing the house, one of these like that, so that, you know, I have a real room up there where you could standup, you know. And then as far as the C/D section of the shed, I mean, I'll leave it as is if that's going to be a problem. But this would be more useful and it wouldn't, you know, it wouldn't be much of an appearance change to make it larger so that my son (inaudible), he tinkers around with his bicycles and whatnot. He's got like 20 bikes in the garage now. He's only going on nine so he took over the garage. This is really for Owen. He should be the one here, but...

[Laughter].

Mr. Downey stated yeah, if you want to come up and we'll walk it and tell me what you think and all that.

Chairman Olenius stated the evening's alright for you.

Mr. Downey stated sure.

Chairman Olenius stated okay. Alright, the Secretary will be in touch with you when we can come up and then we can...

Mr. Downey stated sorry about that [referring to using Joe Charbonneau's survey].

Chairman Olenius stated take a look at the...

Joe Charbonneau stated oh, thanks.

Mr. Downey stated you're welcome.

Chairman Olenius stated take a look at what you got.

Mr. Downey stated yeah. Something...I just wanted to do this in the fall. You know, doing something in the fall maybe. So I figured I'd get started on it.

Chairman Olenius stated smart man.

Mr. Downey stated all set.

Chairman Olenius stated alright. We're all set. We'll table this until the next meeting, pending a site walk.

Board Member Bodor stated alright.

Board Member Buzzutto stated alright.

Board Member Bodor stated thank you.

Mr. Downey stated have a good night.

Board Bodor stated good night.

Board Member Buzzutto stated site walk.

7) OTHER BUSINESS

Board Member Herbst stated okay. Now let's see if I can straighten out all this mess.

Board Member Buzzutto stated I ain't even going to try now. I'll try it later.

Chairman Olenius stated okay, so Other Business. Is there anything that you have, Secretary, for Other Business other than these fee waiving requests.

a) Lead Agency – Putnam Lake Fire Dept. Cell Tower

The Secretary stated unless you wanted to acknowledge the SEQR.

Chairman Olenius stated oh, was that for...

Board Member Buzzutto stated for the Lead Agency.

The Secretary stated yeah. Lead agent.

Chairman Olenius stated I don't have that letter in front of me. That was...

Board Member Bodor stated here [handing Chairman Olenius her copy of the letter].

Chairman Olenius stated thank you. This is from the Planning Board, the Putnam Lake Fire Department regarding a Putnam Lake Fire Department site plan for a telecommunications tower. Planning Board is requesting that since the ZBA is a greater review authority for this proposed action that the Planning Board would consent to the ZBA acting as lead agency for the purpose of making a determination of significance. Do I have to make a motion on that.

Rich Williams stated no.

Chairman Olenius stated no.

Rich Williams stated no.

Chairman Olenius stated just acknowledge the fact that we'd be willing to act as lead agent.

Rich Williams stated you don't have to do anything, essentially...

Chairman Olenius stated oh, we could do a coordinated review with them, too, though, right.

Rich Williams stated well, generally you want to do a coordinated review. But in this case with the cell tower, you're going to have to address SEQR between the two Boards. Really, they're the only two Boards that are involved. So if one of them really needs to take the lead and make the SEQR determination because of the shock clock that's been established by the FCC ruling of 150 days. We're still exactly not clear when that started. So, we didn't want to get tripped up by, you know, the Town not doing its...living up to its responsibility. So I thought I'd just pre-empt the whole SEQR process by saying, you know, having the Planning Board who go the application first, essentially saying ZBA can be lead agency in the application. So when it comes time to do SEQR, if you are agreements with that then, you know, and we'll take you through the SEQR process.

Chairman Olenius stated yes.

Rich William stated the ZBA will make a SEQR determination.

Chairman Olenius stated that's fine by me. I mean, because obviously they can't move forward until we've made...

Rich Williams stated correct.

Chairman Olenius stated just because there's so much on this property from what it seems like. I'm sure the Planning Board doesn't even want to look at it until they're done with us, would be my...

Rich Williams stated well, they really can't.

Chairman Olenius stated right.

Rich Williams stated you know, their authority is limited to the site plan, and you've got the greater authority; you're looking at use of the site as well as potential impacts from the variances relative to the area, the height, location, their setback. There may be significant impervious coverage issues as well. We're trying to sort out with them.

Joe Charbonneau stated do they require a use variance.

Rich Williams stated yes they do.

Joe Charbonneau stated they do.

Rich Williams stated yeah, because it's not a use that's currently permitted under our Code.

Joe Charbonneau stated okay. And it's not pre-empted.

Rich Williams stated nope. And I'll give you a heads up on another issue that came up at the Planning Board meeting is that the Applicant considered this an accessory use to the fire department and I said...

Joe Charbonneau stated they'll put a flagpole up.

Rich Williams stated absolutely not, that it's a principal use. It's a use that could stand all on its own.

Joe Charbonneau stated sure.

Rich Williams stated he was fairly insistent upon it. Then I set him...

Joe Charbonneau stated were they represented by counsel.

Rich Williams stated that was their counsel.

Joe Charbonneau stated who was the attorney.

Rich Williams stated Jordan Fry with...

The Secretary stated Verizon Wireless.

Rich Williams stated yeah, but the firm of...Oh, who's the woman who does all these towers.

Joe Charbonneau stated oh, okay.

Rich Williams stated okay.

The Secretary stated Snyder & Snyder.

Joe Charbonneau stated yeah.

Rich Williams stated Snyder & Snyder.

Joe Charbonneau stated yeah. I've dealt with her in Carmel.

Rich Williams stated you know, I sent him down the variance that he had gotten approved for the cell tower down on Route 311 because it was a principal use and didn't meet the principal use setback requirements.

Joe Charbonneau stated yeah.

Rich Williams stated so hopefully that puts it to rest.

Joe Charbonneau stated doubt it.

Rich Williams stated I like those.

Board Member Buzzutto stated are we going to take lead agency on the cell tower.

Chairman Olenius stated yes.

Board Member Buzzutto stated okay.

b) Request to Waive Fees – Putnam Lake Fire Dept. & Mr. Dino Rentoulis

Chairman Olenius stated I also have a request here from Rob Schulze, Vice President, Putnam Lake Fire Department regarding a fee waiver.

Chairman Olenius read the following parts of the letter submitted:

As you're aware, the Putnam Lake Fire Department is a non-for-profit organization. We pride ourselves on excellent service for the people of the Putnam Lake Community. Required to make mandatory training to our members requires us to make a training platform. We've filed all the needed paperwork for permits. We're requesting that the fee for these permits be waived. Thank you for your time and consideration.

Chairman Olenius stated it would be my recommendation to the Town Board to waive the fee for the permits, however, and it doesn't state it in their request here, I think postage should go to the burden of the fire department, not the Town, you know, for any notices that need to go out. That's my personal opinion. I don't know how the rest of the Board...

Board Member Bodor stated I agree with that.

Board Member Burdick stated I agree.

Board Member Bodor stated I agree.

Board Member Buzzutto stated agreed.

Chairman Olenius stated alright. The Board's unanimous in that...it's recommended to the Town Board that the fee for permits be waived for Putnam Lake Fire Department, however, postage would still be on the burden of the fire department.

Rich Williams stated Chairman, you made that motion, I'm sorry. Who seconded it.

Board Member Burdick stated I did.

Rich Williams stated okay.

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

Chairman Olenius stated however, we have another request from the Alpine Restaurant and Mr. Rentoulis requesting in a very long letter that Secretary can submit for minutes, but requesting that fees be waived with regards to the sign variance and also for the rear apartment structure.

Dino and John Rentoulis letter submitted requesting fees waived:

16 June 2011

RE: Alpine Restaurant Site Plan and Sign, Use Variance

Dear Supervisor Griffin and Town Board Members,

My father, John Rentoulis and I are currently attempting to finalize open site plan issues relative the Daniel J's/Alpine Restaurant. I have power of attorney over my father's affairs due to his recent cardiac surgery. We have been working with Rich Williams and various members of the building department to resolve these issues.

We have recently obtained a C/O for a boiler installation and have realigned a traffic island as well as demolish an old concrete dumpster pad. We are working continually to clean up the restaurant site.

We have made arrangements to repair or replace two porch decks and staircases that apparently needed to be brought up to current NYS code at the secondary apartment structure. This structure had been severely damaged by fire two years ago. It is almost ready for final electrical, interior trim, kitchen and bath installations.

We are currently preparing application for the expired Use variance for that residential apartment, the fee for which is \$250.00

We have recently been advised via a May 5, 2011 report from the Building Department that after a 1969 Town Code change the signage at our restaurant was made non-conforming as well as other signs of this size and type.

We have made numerous applications for sign changes over the years and they have been approved by your boards and we were never informed of this code change that made our sign non-conforming. This past week we filed an application for a variance for our sign and paid the fee of \$175.00 to be placed on the ZBA Agenda for 7/20/2011.

We were later informed that the fee for this variance is double because the sign is already in place. My contacts within the Town have indicated that this particular case is not the type of case that warrants a doubling of the fees. As stated this sign dates back to the late 1950's and was made non-conforming by a town code change from the past. It is not a case where a sign was installed without prior approval.

We have paid numerous building permit renewals for restaurant redesign, the fire restoration and the recent boiler installation. There are no outstanding or unpaid building permits at present. We need only to finalize site plan issues and the final C/O.

My father and I lost our most recent tenant who abandoned the business leaving us over \$100,00 in arrears for rent, property taxes and insurance. The restaurant was left in poor physical condition and we have been making great strides in repairing those issues. We have been informed that we must install a new oil tank as well as re builds the porches mentioned above at the request of the Fire and Building Inspector.

We feel that the apartment's fire restoration is a separate issue to the restaurant site plan approval but I assure that we are trying to act responsibly regarding both issues.

My father and I respectfully request that the \$350.00 doubled fee be waived and be refunded for the sign variance and the fee \$250.00 be waived and refunded entirely for the residential use of the rear apartment structure. The fees were required to be paid in order to have these items placed on the ZBA agenda.

We look forward to anticipated approval of this request so that we may finalize a possible new tenant or possible sale of the entire property.

Respectfully,
Dino Rentoulis
John Rentoulis

Chairman Olenius stated and I'm speaking for myself, my personal opinion is that I would consider refunding \$175.00 for the sign variance, making them still...Being that it is preexisting, I know that the fees are supposed to be doubled, but it has been there for so long and he is paying quite a bit in fees, so I could...My recommendation would be that he pay us \$175.00, you know, a single fee for the sign variance and the full \$250.00 for the other one because he's looking to get monetary gain for, you know...I mean, we charge everybody else fees for a reason. I don't see a reason why it should be waived. That's my personal opinion. I don't...If anybody else has something to...

Board Member Herbst stated aren't you afraid of what Dave said. If we waive it, we're going to have everybody else...

Board Member Buzzutto stated that was a threat to me.

Chairman Olenius stated it was a threat to me.

Board Member Herbst stated he's good at that.

Chairman Olenius stated I think I'm being pretty nice just suggesting that we don't double the fee.

Board Member Burdick stated I agree with you, Lars, because the sign has been there a long time. This whole process has been going on...

Board Member Buzzutto stated yeah.

Board Member Burdick stated for years, and years, and years. So, the point that Dave was making about all of the building permits they've pulled, they've had to pull so many because they weren't complying with anything over the years.

Board Member Buzzutto stated right.

Board Member Burdick stated so, that's kind of self created.

Board Member Bodor stated yes.

Chairman Olenius stated I agree.

Board Member Bodor stated yes.

Board Member Burdick stated so, I agree with, you know, the \$175.00 being refunded but full fees for the other.

Board Member Bodor stated I don't think any of it should be waived. And I said it when they were here.

TAPE ENDED

Board Member Bodor stated and we're going to have to be waiving for others and I don't think it's appropriate. It's not fair.

Board Member Herbst stated I agree with you that we waive the \$175.00 but the rest of it he's got to pay.

Board Member Buzzutto stated well, what about the one on the apartment.

Chairman Olenius stated I don't want to waive that at all.

Board Member Bodor stated no.

Board Member Burdick stated no waiving...

Board Member Buzzutto stated no, because I think once you waive that then you're agreeing that the apartment could be....started....to be of no permit.

Chairman Olenius stated right.

Board Member Buzzutto stated like you're granting it. No, okay. I agree with that.

Chairman Olenius stated alright.

Board Member Buzzutto stated spell it out again.

Chairman Olenius stated so I want to...I'm going to make a motion that the doubled fee be waived for the sign variance, however, they would pay the \$175.00 regular fee and I recommend the Town Board that the \$250.00 fee remain in place. The only refund would be the \$175.00, having the doubled fee for the initial sign variance, the rest will remain as is.

The Secretary stated I believe it's really \$350.00 for the use [variance]...for the residential. I think he has the numbers wrong in that letter.

Chairman Olenius stated it's redundant in here, it said it twice; \$250.00...is that...

The Secretary stated for the use variance it's \$350.00 and then...

Chairman Olenius stated and what's the sign variance.

The Secretary stated it's \$350.00 because it was \$175.00 doubled. But the use variance is \$350.00

Board Member Bodor stated so they were both \$350.00 then.

Chairman Olenius stated okay.

The Secretary stated right.

Chairman Olenius stated so, then...

The Secretary stated plus...

Chairman Olenius stated recant what I just said.

Board Member Bodor stated plus postage.

The Secretary stated plus...yeah. I only charged for one postage because it's the same mailing.

Chairman Olenius stated okay. Then my recommendation would be to refund them \$175.00, keep the \$350.00 use variance fee and make them pay the \$175.00 one time for the sign variance fee.

Board Member Bodor stated and the postage.

Chairman Olenius stated and the postage. Okay. All in favor.

Board Member Herbst stated aye.

Chairman Olenius stated opposed.

Board Member Bodor stated opposed. No. Opposed.

Chairman Olenius stated one. Motion carried by a vote of 4 to 1.

Board Member Bodor stated is it in the Code that they pay double, and why is it there if we're going to let it go.

Rich Williams stated it is in the Code and it is in the fee schedule for the Zoning Board.

Board Member Bodor stated yes.

Rich Williams stated it was in the fee schedule for the Building Department, somehow it feel out. They're looking to put it back.

Board Member Bodor stated okay. Well, you know, if this is going...things are going to happen why do we have it.

c) Rentoulis – 239m Referral

Chairman Olenius stated (inaudible) requesting it now. Any other business. Other, other business. Oh, site walks, I'm sorry. Sorry about that.

The Secretary stated for the use variance for Rentoulis, I need to send over a 239m referral to County and just let them know about the case. Is that okay with you for me to do that.

Board Member Bodor stated that's protocol, right. Yeah.

The Secretary stated yes.

Board Member Bodor stated well, it's on a State road, yes.

The Secretary stated right.

Board Member Bodor stated that's right. It's supposed to happen automatically. They never get back to us, but...

Rich Williams stated I think Sarah is just letting you know that...

Board Member Bodor stated oh, okay. Yes.

Rich Williams stated without objection the office will take care of that.

Board Member Bodor stated it has to have...

Board Member Burdick stated yes, thank you.

Rich Williams stated on the record.

Chairman Olenius stated thank you.

Board Member Bodor stated that's good.

Chairman Olenius stated no objection here.

d) Site Walks

Chairman Olenius stated okay. Site walks.

Board Member Buzzutto stated site walks.

Chairman Olenius stated this should be interesting.

Board Member Herbst stated are we going to do both of them at the same time.

Chairman Olenius stated we probably could. They're both right off of [Route] 22. Right, Downey and Alpine. It's three actually. There's two at Alpine and one up there.

Board Member Buzzutto stated well, they're way up on Stagecoah [Road].

Chairman Olenius stated so you get out at 4 [o'clock].

Board Member Herbst stated so we're going to do three site walks in one night.

Chairman Olenius stated so we could do 4:30[p.m.]

Board Member Herbst stated that's pretty good.

Board Member Burdick stated (inaudible).

Chairman Olenius stated yeah. Could you guys do 4:30 if we pick a weeknight.

Board Member Herbst stated I can do anytime.

Board Member Buzzutto stated I can do anytime.

Chairman Olenius stated and then...Because then we have 4:30 to 5:30, let's say, at Alpine. And then we can get up the hill by, probably like...

Board Member Herbst stated yeah.

Chairman Olenius stated by 6:00 I would think, up to Downey's. I don't think Alpine's going to take that long.

Board Member Buzzutto stated well does Alpine count for two or is that...

Chairman Olenius stated two. That's why I said an hour.

Board Member Buzzutto stated that's...

Chairman Olenius stated 4:30 to 5:30.

Board Member Buzzutto stated okay. That will be two.

Chairman Olenius stated and then say 6 o'clock we're Downey, in case we run over at Alpine. So that's how...It should be enough time, I think. Right.

Rich Williams stated nobody is really going to be at Alpine. Does it matter if she reversed them.

Board Member Burdick stated I thought we were going to...

Board Member Bodor stated Dave's going...

Board Member Burdick stated Dave's going to be there.

Board Member Bodor stated Dave's going to be there. He's going to open the door and...

Rich Williams stated sorry.

Board Member Bodor stated and take us through the place. Well, he said he would.

Board Member Herbst stated yes he did say that.

Chairman Olenius stated well, then it would be good to have Downey after him then, because then we have a reason to keep moving along.

Board Member Buzzutto stated yeah, and Downey...

Board Member Herbst stated now, what date.

Chairman Olenius stated you have your calendars out, ladies, so you...

Board Member Bodor stated yes.

Chairman Olenius stated (inaudible) the first shots out.

Board Member Bodor stated I know, you know, we switched around the days. Our next meeting was what, the 24th, because people have stuff they're doing, so...

Chairman Olenius stated right.

Board Member Bodor stated I don't know. What's good for anybody or not good.

Chairman Olenius stated is closer to the next meeting better than closer to now.

Board Member Bodor stated well, I'm away from the 5th to the 12th.

Board Member Burdick stated I'm away from the 10th to the 20th.

Board Member Bodor stated so there's two weeks right there that are out.

Chairman Olenius stated okay.

Board Member Burdick stated and that's through the 4th, right.

Board Member Bodor stated yeah.

Board Member Burdick stated (inaudible) in August.

Board Member Bodor stated yeah.

Board Member Burdick stated and the last week of July.

Chairman Olenius stated how about the 22nd, the Monday prior to the meeting.

Board Member Buzzutto stated you mean August.

Chairman Olenius stated yeah.

Board Member Herbst stated Monday, the 22nd of...

Chairman Olenius stated the meeting is Wednesday the 24th, so we could do our site walks and still have them fresh in our minds on August 22nd the Monday, if it works for you.

Board Member Herbst stated that's fine.

Board Member Burdick stated you want to do an alternate...

Board Member Herbst stated right now every...

Board Member Burdick stated of the 23rd in case it rains.

Chairman Olenius stated I was thinking the same thing.

Board Member Herbst stated August is pretty clear for me now, so I'm pretty sure that's okay.

Chairman Olenius stated does that work for you.

Board Member Herbst stated if it isn't, I'll get back to you.

Board Member Bodor stated yeah.

Chairman Olenius stated you sure.

Board Member Bodor stated yeah.

Board Member Buzzutto stated now what date is that.

Chairman Olenius stated so it will be the...

Board Member Bodor stated 22nd.

Chairman Olenius stated it will be the 22nd...

Board Member Herbst stated and a rain date.

Chairman Olenius stated at 4:30.

Board Member Bodor stated 4:30.

Chairman Olenius stated with a rain date of the 23rd.

Board Member Bodor stated and that's Alpine first.

Chairman Olenius stated Alpine first.

Board Member Buzzutto stated Alpine at 4:30. Okay.

Chairman Olenius stated yes.

Board Member Buzzutto stated and then we take...

Chairman Olenius stated and then we'll drive up the hill to Downey's place.

Board Member Buzzutto stated okay.

e) Minutes

Board Member Bodor stated we have minutes from last month to approve or not.

Board Member Buzzutto stated need an approval. I read them.

Board Member Bodor stated would you like to make a...

Board Member Buzzutto stated and I had an awful lot to say in that meeting.

[Laughter].

Board Member Buzzutto stated I think I said too much, I don't know.

Board Member Bodor stated would you like to make a motion for them.

Board Member Buzzutto stated I'll make a motion to accept them.

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 Bodor stated any other business.

Board Member Herbst stated I'll make a motion we close the meeting. My poor dog must be...

Chairman Olenius stated I'll second.

Board Member Herbst stated my wife is...

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

Meeting was adjourned at 8:56 p.m.