

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
July 21, 2010**

**AGENDA & MINUTES**

	Page	
<b>1) Hudson Valley Trust Case #08-10</b>	1 – 2, 3	Held over due to moratorium
<b>2) Elder Arias Case #09-10</b>	2, 3 – 13	Public hearing closed; Special Use Permit and area variance granted for livery service
<b>3) Robert Pinchbeck Case #15-10</b>	13 – 20	Public hearing continued; Application held over pending site walk
<b>4) Barbara Petersen Case #18-10</b>	20 – 26	Public hearing opened and closed; Side yard area variance granted for Bilco doors
<b>5) Sean Fallon Case #19-10</b>	27 – 36	Public hearing opened; Application tabled pending site walk
<b>6) Other Business</b>		
<b>a) Site walks</b>	36 – 42	Site walks set for August 3, 2010
<b>b) Minutes</b>	42 – 43	April 21, 2010 minutes approved

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

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

**PLANNING BOARD**

Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Zoning Board of Appeals  
July 21, 2010 Meeting Minutes**

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

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Board Member Gerald Herbst, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

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

There were approximately 6 members of the audience.

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

Chairman Buzzutto stated Sarah, do you want to read the roll call.

Roll Call:

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

**1) HUDSON VALLEY TRUST, INC. CASE #08-10**

Chairman Buzzutto stated okay.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Wednesday, July 21, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application.

The Secretary stated do you want me to read the whole thing for Hudson Valley Trust.

Chairman Buzzutto stated I don't think we have to read the Hudson...No. That's...

The Secretary stated just skip over that one.

Chairman Buzzutto stated they're not going to show anyway, so.

The Secretary stated okay.

## 2) ELDER ARIAS CASE #09-10

Mr. Elder Arias was present.

The Secretary continued to read the following legal notice:

### **Elder Arias Case #09-10 – Special Use Permit; Held over from the May 19, 2010 and June 14, 2010 meetings – Area Variance**

Applicant is requesting a Special Use Permit as required by §154-107.1 of the Patterson Town Code, Livery and Taxi Cab services, in order to operate a livery service out of his residence. Applicant is also requesting an area variance pursuant to §154-107.1 (C.) of the Patterson Town Code, which states that no livery service or taxi cab service shall be located within 900' of any other livery service or taxi cab service. The Applicant is located 150' away from the nearest livery service; Variance requested is for 750'. This property is located at 7 Dryden Road (RPL-10 Zoning District).

## **HUDSON VALLEY TRUST, INC CONTINUED**

Chairman Buzzutto stated before we get that one...The Hudson Valley Trust. Just acknowledge it for the record that it will be tabled.

Carl Lodes stated we're recused on that.

Chairman Buzzutto stated okay.

Carl Lodes stated but I would...

Board Member Bodor stated you're recused.

Chairman Buzzutto stated yes, you are. Okay.

Board Member Bodor stated is there anyone here for that case...that's interested in that case. Okay. We're just putting...just for the record, we're putting it off until next month and the month after. October

actually, because it has to do with the definition of the word club in our Town Code, which is being revamped. So we can't do any action on that...their particular request, that's why it's being put off.

Chairman Buzzutto stated and that won't happen until October, I believe.

Board Member Bodor stated I believe so.

Chairman Buzzutto stated yes.

Board Member Bodor stated there was a 90 day...

Chairman Buzzutto stated yes. Okay. So we'll just bypass that one.

### **ELDER ARIAS CONTINUED**

Chairman Buzzutto stated okay. Arias. You were here last month.

Mr. Elder Arias stated yes.

Chairman Buzzutto stated and you were told to get us a Special Use Permit. Did you...

Mr. Arias stated I did apply for an area variance.

Chairman Buzzutto stated you did apply for one. Yes, okay.

Board Member Bodor stated he had to apply for an additional area variance.

Chairman Buzzutto stated yes. 700 and some odd feet. Isn't that from...

Mr. Arias stated 750 [feet].

Chairman Buzzutto stated 750' from the...

Mr. Arias stated from the existing...

Chairman Buzzutto stated from the Anne's livery service [editor's note: Ana's Limousine]...

Mr. Arias stated correct.

Chairman Buzzutto stated yes. Is there anybody here from Anne's Livery [editor's note: Ana's Limousine] that would object to that.

Board Member Bodor stated is there anyone here that has input regarding the case at all.

Chairman Buzzutto stated regarding it, yes.

**Bob Lane stated** I just have some questions, that's all.

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

Board Member Bodor stated give us your name and residence please, Sir.

Chairman Buzzutto stated yes.

**Bob Lane stated** yes. My name is Bob Lane. I live at 24 Dryden Road.

Board Member Bodor stated okay.

Chairman Buzzutto stated and...

**Bob Lane stated** and my question is did they ever straighten out the thing with the deed, because I know that was one of the stopping points on the last meeting. And I thought my other neighbors were coming, too, but they're not. But we're still concerned about a commercial business in our neighborhood. It's a small street and any restriction...I mean, I don't know if he's going to have cars out in the road. If not, you know, my concern was that, you know, the deed wasn't proper at the time, so I thought that was...

Chairman Buzzutto stated what was on the deed.

Board Member Burdick stated it was taken care of.

Board Member Bodor stated it was taken care of.

**Bob Lane stated** it was.

Board Member Bodor stated yes it was, Sir. And as far as cars, how many cars are you planning to have Mr. Arias.

Mr. Arias stated one.

Board Member Bodor stated speak into the mic please.

Mr. Arias stated so the plan is to start with one, and if the business permits it, then I will increase that. I will come to the Town for a permit on a second car and possibly I'll be looking for a different location.

Chairman Buzzutto stated storefront type of a...

Mr. Arias stated correct.

Chairman Buzzutto stated that will be in the future, if possible.

Mr. Arias stated correct.

Chairman Buzzutto stated okay.

Board Member Bodor stated the provisions of the Code that are in place at this time limits him to one car. That's...

**Bob Lane stated** no, I understand that. My question was...I remember that was the first point that came up, was his name on the deed.

Board Member Bodor stated yes.

**Bob Lane stated** so I just want to make sure that was straightened out.

Board Member Bodor stated right. And he has sufficient space and the...and we went to the property, to park the one car off the road.

**Bob Lane stated** then I have no problem.

Board Member Bodor stated okay.

[Laughter]

Board Member Bodor stated I just wanted to make...

**Bob Lane stated** my neighbors apparently don't either because they didn't come, and they were all suppose to be here at the meeting.

Board Member Bodor stated okay.

Chairman Buzzutto stated and all your fares will be call ins.

Mr. Arias stated correct.

Chairman Buzzutto stated they're not going to be walk up and wait.

Mr. Arias stated correct. There's no pickup or no delivery at my house.

Chairman Buzzutto stated at your house. That will be...

Mr. Arias stated it's just going to be for...to receive calls and to keep the car parked.

Board Member Herbst stated there will be no signs outside or anything, right.

Mr. Arias stated correct.

Chairman Buzzutto stated yes, you say there'll be no pickup. You will have pickup.

Mr. Arias stated but not at my house.

Chairman Buzzutto stated not at your house.

Mr. Arias stated right. There will be no waiting there at my house.

Chairman Buzzutto stated no waiting at the house.

**Bob Lane stated** will there be signage on the cars.

Mr. Arias stated I did read the Town Code, and they do have specifications as how big the sign can be. So yes, there will be.

Chairman Buzzutto stated yes. But that will be on just one sign...one car.

Mr. Arias stated correct. Just one car.

Chairman Buzzutto stated and your hours are, on that, 24 hours call. Or are you...

Mr. Arias stated right now, it will be 24 [hours]. Most likely it's going to be in the morning. Then we'll see how busy it is then we'll do a...

Chairman Buzzutto stated okay. Alright.

Board Member Olenius stated are you going to do primarily local runs or airport runs, or...

Mr. Arias stated no, it's going to be primarily local. What I've noticed is currently residents in Putnam Lake, they have to call taxi businesses in Brewster or surrounding towns, you know, to go to the shop and all those kinds of things, so...

Chairman Buzzutto stated yes.

Mr. Arias stated it's primarily local.

Chairman Buzzutto stated and you will be the driver...sole driver of these vehicles.

Mr. Arias stated no. I will be a driver, but there will be another person driving it.

Chairman Buzzutto stated with proper...

Mr. Arias stated especially weekends...With proper...

Chairman Buzzutto stated credentials, license, stuff like that.

Mr. Arias stated correct. And the company will be incorporated. So that's something that will be brought to the Town after.

Board Member Olenius stated will there be sufficient room for this employee to park at this residence; his personal vehicle, to pick up the livery vehicle.

Mr. Arias stated yes, there will be. So basically he'll pick up one car and he'll leave one.

Chairman Buzzutto stated okay. Does anybody in the audience have any input on this particular...This is in Putnam Lake near the...Across from the bank, isn't it.

Board Member Olenius stated behind the firehouse.

Board Member Bodor stated behind the firehouse.

Chairman Buzzutto stated but it's off the road, you can't see the house where it's going to be off of, what is that. Haviland Drive.

Board Member Bodor stated Haviland and...

Chairman Buzzutto stated yes. So, it's going to be secluded, so...Alright. Jerry, you have any input.

Board Member Herbst stated no.

**Bob Lane stated** I have one other question. Did the stipulation that...

Chairman Buzzutto stated wait. You got to talk into the microphone.

Board Member Bodor stated talk into the microphone.

**Bob Lane stated** yes.

Chairman Buzzutto stated I'm sorry, but it won't pick it up.

**Bob Lane stated** my only question is it's only restricted to one vehicle. Now if it goes...

Chairman Buzzutto stated at this particular time.

**Bob Lane stated** (inaudible – too many talking) he has to take it to a commercial business.

Chairman Buzzutto stated at this particular time, it's...

**Bob Lane stated** but the statute is only one...

Board Member Bodor stated the statute is one vehicle, yes.

Chairman Buzzutto stated yes, one vehicle.

Board Member Bodor stated as he...

Chairman Buzzutto stated for...

Board Member Bodor stated as he's indicated, if, you know, he finds business is really booming and he feels the need, then he'll have to go to a storefront somewhere else, or some other location.

Chairman Buzzutto stated yes.

Board Member Bodor stated to act as an office.

Chairman Buzzutto stated okay, fine. To read the reso on that. The reason I'm asking you to do it but (inaudible).

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated I wasn't ready, but...Alright. I'll have to fill it in as I go along.

Chairman Buzzutto stated okay.

Board Member Bodor stated close the public hearing, I make a motion.

Board Member Olenius stated second.

Board Member Herbst stated second motion to close the public hearing.

Board Member Bodor stated second, Lars.

Board Member Olenius stated yes.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated so be it.

Board Member Bodor stated public hearing is closed.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Elder Arias, Case #09-10***  
***For a Special Use Permit for Operating a Livery Service***

**WHEREAS, *Elder Arias*** is the owner of real property located at 7 Dryden Road (RPL-10 Zoning District), also identified as ***Tax Map Parcel #36.31-1-21***, and

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

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

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

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

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

**WHEREAS**, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 21, 2010, June 14, 2010 and July 21, 2010, and a site walk was conducted on June 2, 2010*, to consider the application; and

**WHEREAS**, the Zoning Board of Appeals finds that there is adequate off-street parking for the vehicles used in the operation of the livery service, which is in addition to the parking required for the single family residence;

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

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

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

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

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

**BE IT FURTHER RESOLVED**, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Elder Arias* for a Special Use Permit *to allow for the operation of a livery service out of the residence in the RPL-10 Zoning District as set forth in §154-107.1* of the Patterson Town Code; Livery and Taxi Cab Services, and

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

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

Board Member Herbst stated second.

The Secretary did roll call:

Board Member Bodor	-	yes
Board Member Burdick	-	no
Board Member Herbst	-	yes
Board Member Olenius	-	no
Chairman Buzzutto	-	yes

Resolution carried by a vote of 3 to 2.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Elder Arias, Case #09-10*  
For an Area Variance for a Livery Service**

**WHEREAS**, *Elder Arias* is the owner of real property located at 7 Dryden Road (RPL-10 Zoning District), also identified as *Tax Map Parcel #36.31-1-21*, and

**WHEREAS**, *Elder Arias* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-107.1 (C.) of the Patterson Town Code; Livery and Taxi Cab Services, in order to run a livery service from his residence, and

**WHEREAS**, §154-107.1 (C.) states that no livery service or taxi cab service shall be located within 900' of any other livery service or taxi cab service as measured between the closest property corners, and

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

**WHEREAS**, the Patterson Zoning Board of Appeals determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on *July 21, 2010*, and

**WHEREAS**, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *July 21, 2010 and a site walk was conducted on June 2, 2010*, 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 this will be a transportation service operated out of an existing residence with sufficient space for parking off road, involving only one vehicle.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because it's a startup, testing the water type, situation being run with only one car to be driven on an all call basis with no customers standing around to be picked up or dropped off.*
3. the variance requested *is* substantial *because we're looking at the fact that the Code states 900 feet of any other livery service or taxi cab service and the Applicant is 150 feet.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because Dryden Road, on which the residence that service will be operated from, is a dead end road with few residences on it. This residence happens to be the first on the left going in.*
5. the alleged difficulty necessitating the variance *was self created but is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Elder Arias* for an area variance of 750' from the 900' required by §154-107.1 (C.) of the Patterson Town Code; Livery and Taxi Cab Services, in order to allow for the operation of a livery service out of his residence 150' away from the nearest livery service.

Chairman Buzzutto stated before we second that, I'd like to put in some kind of stipulation that you'll have no outside phone...commercial phone ring outside. You know, one of these loud amplified bells since it is a residential section there. Can we insert that in there somewhere.

Board Member Bodor stated well, it can be conditioned that there is no outside bell...telephone...

Chairman Buzzutto stated yes.

Board Member Bodor stated ringer.

Chairman Buzzutto stated ringer.

Mr. Arias stated I believe there was...The Code found a radio or, you know...

Chairman Buzzutto stated well, a radio is different. I'm talking about if somebody calls you on the phone, there will be no commercial bell outside.

Mr. Arias stated okay.

Chairman Buzzutto stated yes, you know. Because some places have a loud ring to them.

Mr. Arias stated like an intercom, if you will.

Chairman Buzzutto stated no.

Board Member Bodor stated like a telephone amplified to the outside so if you're in the yard, you can hear the telephone ringing outside because of the loud...

Chairman Buzzutto stated yes.

Board Member Bodor stated amplification system.

Mr. Arias stated okay.

Board Member Bodor stated we don't want to hear it outside.

Chairman Buzzutto stated that's right.

Mr. Arias stated okay.

Board Member Bodor stated okay.

Chairman Buzzutto stated because it could be early, early morning. So no outside rings.

Mr. Arias stated okay.

Board Member Bodor stated that's a condition of this.

Mr. Arias stated okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated second it.

Board Member Herbst stated I'll second it.

Chairman Buzzutto stated all in...Well, you want to take a roll call on it.

The Secretary did roll call:

Board Member Bodor	-	yes
Board Member Burdick	-	no
Board Member Herbst	-	yes
Board Member Olenius	-	no
Chairman Buzzutto	-	yes

Resolution carried by a vote of 3 to 2.

Chairman Buzzutto stated okay.

Board Member Bodor stated you're okay.

Chairman Buzzutto stated you're okay. You have to go to the Building Department.

Mr. Arias stated thank you very much.

Chairman Buzzutto stated okay. Good luck.

**3) ROBERT PINCHBECK CASE #15-10**

Mr. Robert Pinchbeck was present.

Chairman Buzzutto stated okay. Let's see what we've got.

Board Member Olenius stated Robert Pinchbeck.

Chairman Buzzutto stated Pinchbeck.

The Secretary read the following legal notice:

**Robert Pinchbeck Case #15-10 – Area Variances; Held over from the June 14, 2010 meeting**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing wood deck. The Code requires there to be a 15' side yard setback; Applicant has 11'; Variance requested is for 4'. The Code also requires a 20' rear yard setback; Applicant has 0'; Variance requested is for 20'. This property is located at 36 Lacona Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay, Mr. Pinchbeck. As it was read, were there any changes. No. Do you want to raise your right hand, Sir. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Robert Pinchbeck stated I do.

Chairman Buzzutto stated okay.

Board Member Bodor stated your name and address for the record.

Mr. Pinchbeck stated my name is Robert, last name Pinchbeck. My address is 328 Pemberwick Road, Greenwich, Connecticut, 06831.

Chairman Buzzutto stated okay.

Board Member Bodor stated but you own the residence.

Mr. Pinchbeck stated at 36 Lacona Drive, yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated were there any changes in what was read off the agenda.

Mr. Pinchbeck stated no.

Chairman Buzzutto stated no. It's the same. Okay. And you're going to put...What is it, a wood deck. Is there going to be a new deck.

Mr. Pinchbeck stated no. There's an existing structure that is...I've traced it back approximately 21 years. It came with the house when we bought it. It is encroaching the neighbor's property in the back. What I need to do is remove a piece of it to get it on my property.

Board Member Olenius stated so it was initially constructed over the property line.

Mr. Pinchbeck stated yes.

Board Member Olenius stated prior to you owning it.

Mr. Pinchbeck stated yes. Back in, I think it was, in...It was 21 years ago this survey.

Chairman Buzzutto stated so this is preexisting, nonconforming.

Board Member Olenius stated and they didn't pick this up in the title search or anything when you initially purchased the property.

Mr. Pinchbeck stated no.

Board Member Olenius stated you purchased it in what year, sorry.

Mr. Pinchbeck stated I took it in 2002.

Board Member Olenius stated 2002.

Mr. Pinchbeck stated yes.

Board Member Bodor stated is the shed off your property, too.

Mr. Pinchbeck stated the shed is the piece that needs to come down. That piece of the deck I'm going to remove and that will...The balance of the deck will be on my property and will require a setback variance.

Board Member Bodor stated so you're removing the shed and part of the deck.

Mr. Pinchbeck stated correct.

Board Member Bodor stated and then when you do that, the line will be right where...The deck is going to be on the line then.

Mr. Pinchbeck stated right on the line. I did discuss it with Tony (inaudible) who's the neighbor in the back and he's the pastor at the church next door and he really... You know, he said, Bobby, it's been there, it can stay there.

Board Member Olenius stated you just want to make everything...

Mr. Pinchbeck stated I want to make it legal. The house is on the market; I am trying to sell it.

Board Member Bodor stated it's currently a rental, or...

Mr. Pinchbeck stated it's vacant.

Board Member Bodor stated it's vacant.

Mr. Pinchbeck stated yes.

Board Member Olenius stated and the neighbor that you referred to behind you...

Mr. Pinchbeck stated yes.

Board Member Olenius stated whose property it's infringing upon, how far is their residence from the property line.

Mr. Pinchbeck stated I want to say...

Board Member Olenius stated approximately.

Mr. Pinchbeck stated his residence is approximately 100 feet.

Board Member Olenius stated so there's some space there, that's why...

Mr. Pinchbeck stated there's considerable space, yes.

Board Member Olenius stated possibly nobody realized that it was overbuilt.

Mr. Pinchbeck stated yes. Well...

Board Member Bodor stated no.

Mr. Pinchbeck stated the house has been in the family. We've been, you know, very close with the neighbors; they're family friends. You know, it didn't become an issue until I put it on the market and I believe in the title search or the, you know, the potential buyer picked up on it. So, you know, just take care of it, get it done.

Board Member Bodor stated how would you feel about when you chop that piece of the deck off though, chopping off more so...Because otherwise...You know, if you chop it off, so to speak, right at that the property line, for maintenance purposes, you have to go on to the adjoining property in order to do anything.

Mr. Pinchbeck stated I, you know, it's my intention to get someone in, snap a line, bring it right to where I have to bring it. The piece that, it's in the picture, where the deck is...the shed is sitting on...

Board Member Bodor stated yes.

Mr. Pinchbeck stated it's almost an independent piece; it can be removed. If I go any further, I can cut into the balace of the deck, but it's going to compromise the integrity. Which I'm sure I can remedy; I'm going to have to do whatever I need to do.

Board Member Bodor stated but looking...Excuse me. But looking at this though, you're taking a piece of the deck off, too.

Mr. Pinchbeck stated it's going to cut the corner.

Board Member Bodor stated the corner is going to come off.

Mr. Pinchbeck stated right.

Board Member Bodor stated right.

Mr. Pinchbeck stated right. It's going to cut that corner...

Board Member Bodor stated so...

Mr. Pinchbeck stated and then I'm just going to have to leave it.

Board Member Bodor stated because that's where the line is.

Mr. Pinchbeck stated right.

Board Member Bodor stated I'm uncomfortable with that. I want you to take off more so that you're in from the property line.

Mr. Pinchbeck stated I mean, I can do that. You know, when is a deck not a deck. You know, it's...Right now, the deck is a considerable piece of the residence. And it's best use is a deck. The property is rocky. There's rock underneath. And it's better facilitated to have it covered. I know what you're saying, but once I start cutting it back, you know, it's...And there's considerable amount of space back there. And again, Tony and we have been neighbors for...The...

Board Member Bodor stated you...

Mr. Pinchbeck stated house has been in the family.

Board Member Bodor stated yes.

Mr. Pinchbeck stated and he really...Bob, I'm sorry it has to, you know...if you're going to take it down but it's okay with me. You know, we talked about an easement and I was told that he would have to get a variance as well. You know, I don't understand...So to just expedite and get it done, I'll take the piece down.

Chairman Buzzutto stated well, what did you say...What did you read...

Board Member Bodor stated this is the property line right here [referring to a survey]. That's where he's going to remove everything from the property line over.

Chairman Buzzutto stated I see. Alright.

Board Member Bodor stated so when he's finished removing this piece, this is going to be...The end of the...the piece of the...The deck is going to go right to the property line.

Chairman Buzzutto stated it will still be...You've got to move it more than that then. You've got to be within the variance.

Board Member Bodor stated that's my point. I mean, he's not going to be within the variance, you can't.

Chairman Buzzutto stated but we would allow...

Board Member Bodor stated but I want to, you know, minimize the variance.

Chairman Buzzutto stated yes.

Board Member Bodor stated I don't...I'm not comfortable with ending the deck at the property. You step off the deck and you're on somebody's property.

Chairman Buzzutto stated no.

Board Member Bodor stated because you have no choice.

Chairman Buzzutto stated I see. Yes, okay.

Mr. Pinchbeck stated well, there's no step off the end of the deck. It's going to be rail.

Board Member Bodor stated but...

Mr. Pinchbeck stated I mean, there's no...

Board Member Bodor state you know...

Mr. Pinchbeck stated you know what I'm saying.

Board Member Bodor stated you fall off the railing, you're on somebody's property. The other side of that rail, from what I'm understanding...

Mr. Pinchbeck stated right. No, the other side of the rail is his property...

Board Member Bodor stated right.

Mr. Pinchbeck stated and that's why I'm here tonight, but I don't see a case in the ten years that I've had it or the 20 years it's been in the family, where I've had anybody, you know...

Board Member Bodor stated that's today.

Chairman Buzzutto stated yes.

Board Member Bodor stated you have the relationship with the neighbor.

Mr. Pinchbeck stated yes.

Board Member Bodor stated you've already said you're looking to sell; the place is on the market. Yours turns over, maybe the property...the neighbor's property turns over to somebody else and...

Mr. Pinchbeck stated I, and again, I can't...

Board Member Bodor stated the relationship is gone.

Mr. Pinchbeck stated (inaudible) the future. I have no idea (inaudible).

Chairman Buzzutto stated I don't see how we can give a variance with no setback. You know, if it's right on the property line, how could you give a variance on something like that. So the deck has to be at least a foot or two or whatever.

Board Member Olenius stated should we maybe go take a look at it and see it.

Board Member Bodor stated I want to take a look at it.

Board Member Burdick stated I think so.

Board Member Bodor stated yes.

Board Member Olenius stated see it ourselves.

Chairman Buzzutto stated yes.

Board Member Bodor stated yes, I do.

Chairman Buzzutto stated maybe he has his reasons for it. Maybe if we take a look at it...

Mr. Pinchbeck stated okay.

Board Member Olenius stated sometimes seeing it in person is just a little easier. You said it's vacant right now.

Mr. Pinchbeck stated the house is, yes.

Chairman Buzzutto stated it is. Is there any input from the audience on this particular item. No. Alright, so what we'll do is table this, setup a site walk on it, take a walk on it and look at it, and see if we can come to some kind of agreement on the variance. See what we can do on it. Okay. So...

Mr. Pinchbeck stated so you want me present then.

Chairman Buzzutto stated yes, if possible. We'll setup a site walk. Sarah will probably be in touch with you of when we could do it. It will probably be on a weeknight, right. Yes. After 4:30, 5 o'clock.

Mr. Pinchbeck stated it makes sense to have the neighbor, too. I mean, would that help.

Chairman Buzzutto stated no.

Board Member Bodor stated no. You as the property owner, that's all.

Chairman Buzzutto stated he can't. You're the property owner, so that's...

Board Member Bodor stated yes. So you could show us exactly... You know, you're familiar with...

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated yes.

Board Member Bodor stated hopefully.

Chairman Buzzutto stated okay. So that's what we'll do. We'll table it until the next meeting...

Mr. Pinchbeck stated okay.

Chairman Buzzutto stated and...

Board Member Olenius stated if at that point, of the site walk, if you could possibly have, perhaps, I think you showed us on the drawings here, but maybe just even a piece of like line over where you intend to cut it.

Mr. Pinchbeck stated right.

Board Member Olenius stated you know what I mean. I don't want you to cut anything or snap anything, but just a string kind of showing if you know... you know where it is.

Mr. Pinchbeck stated there are two points that are marked off. And if you draw a line.

Board Member Olenius stated okay. That's fine.

Board Member Bodor stated that's good.

Board Member Olenius stated just so we can visualize it.

Mr. Pinchbeck stated okay.

Board Member Olenius stated that's really...

Mr. Pinchbeck stated alright.

Chairman Buzzutto stated okay, fine. So we'll see you at the next meeting.

Board Member Olenius stated are there any days that are bad for you to meet for a site walk...

Mr. Pinchbeck stated no.

Board Member Olenius stated in particular.

Mr. Pinchbeck stated you guys call it.

Board Member Olenius stated okay, great. Thank you very much.

Board Member Burdick stated thank you.

Board Member Bodor stated thank you.

#### 4) **GREGERS PETERSEN CASE #18-10**

Mrs. Barbara Petersen was present.

Chairman Buzzutto stated okay. Petersen, I believe, would be the next one.

The Secretary read the following legal notice:

##### **Gregers Petersen Case #18-10 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to install a Bilco door to access the basement. The Code requires a minimum side yard setback of 15'; Applicant will have 9.8'; Variance requested is for 5.2'. This property is located at 42 Taylor Road (RPL-10 Zoning District).

Chairman Buzzutto stated okay. Do you want to give your name and raise your right hand, Ma'am. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mrs. Barbara Petersen stated yes, I do.

Chairman Buzzutto stated your name and address.

Mrs. Petersen stated Barbara Petersen. I live at 1201 Route 311.

Chairman Buzzutto stated 1201 Route 311.

Board Member Bodor stated but you are the property owner or...

Mrs. Petersen stated yes.

Board Member Bodor stated representative.

Mrs. Petersen stated yes.

Board Member Bodor stated you're the property owner for...

Mrs. Petersen stated yes. Well, my husband anyway. (Inaudible)

Board Member Bodor stated thank you.

Chairman Buzzutto stated and Bilco doors is what, a cellar type of an entrance, isn't it.

Mrs. Petersen stated right. Exactly.

Board Member Bodor stated how are you getting to the basement now.

Mrs. Petersen stated we were getting to the basement from the inside room that was there.

Chairman Buzzutto stated oh, there...

Mrs. Petersen stated we're rebuilding the room and...That's where the boiler is, so it would make sense to make a...have a Bilco door entrance into the basement to service the boiler.

Board Member Bodor stated instead of an inside...

Mrs. Petersen stated correct.

Board Member Bodor stated you're closing off the...

Mrs. Petersen stated exactly.

Chairman Buzzutto stated so you have no outside entrance to the cellar.

Mrs. Petersen stated no.

Chairman Buzzutto stated okay. That's good enough reason I guess.

Board Member Bodor stated and that's the only...You said you were redoing the room.

Mrs. Petersen stated correct.

Board Member Bodor stated and you're just putting a foundation in for the Bilco [doors].

Mrs. Petersen stated correct.

Board Member Bodor stated okay.

Board Member Olenius stated you're getting repairs on your foundation. I'm just reading your application for the...

Mrs. Petersen stated yes.

Board Member Olenius stated building permit. And that's how this all arose.

Mrs. Petersen stated right.

Board Member Olenius stated they said they could open that at that point in time and put some stairs in.

Mrs. Petersen stated right.

Board Member Olenius stated make easier access.

Mrs. Petersen stated yes.

Chairman Buzzutto stated this building's occupied now.

Mrs. Petersen stated yes. My son lives there.

Chairman Buzzutto stated your son lives there. Okay. What's going to be in the cellar after you put the doors in.

Mrs. Petersen stated a boiler and...

Chairman Buzzutto stated not...Just a boiler, a...

Mrs. Petersen stated a fridge. Right. The plumbing,

Chairman Buzzutto stated just the plumbing. It's not going to be finished.

Mrs. Petersen stated not down there it isn't. It will only have not even a whole ceiling.

Chairman Buzzutto stated oh, I see.

Board Member Bodor stated is it a dirt floor down there or is cement...

Mrs. Petersen stated cement.

Board Member Bodor stated it is cement.

Mrs. Petersen stated it's cement.

Board Member Bodor stated and the adjoining property where you're requesting the variance, is there a residence over there.

Mrs. Petersen stated yes there is.

Board Member Bodor stated is it close to the line, do you know. Do you have...

Mrs. Petersen stated it's typical Put[nam] Lake. She's probably 15' off the property line. And our building is 15.8' off the property line. The Bilco doors would bring, you know, just the stairs you have to dig out to put the in. Get in, bring it, I believe it's on the drawing, 9'...8' from the property line. You can't access it from the back because it's ledge, so you can't put a door...that would be within the...And the front you can't because of the front door and the well.

Board Member Bodor stated yes, I was going to say where's your well.

Mrs. Petersen stated right. Septic and well. So we have to do it from...That's the only spot we can do it.

Board Member Bodor stated so you're looking at a variance 5.4...5.2'.

Mrs. Petersen stated yes.

Board Member Bodor stated and that's basically the steps that are going out beyond the door itself.

Mrs. Petersen stated it's not a step, it's really...

Board Member Bodor stated well, yes. Right.

Mrs. Petersen stated down in the ground.

Board Member Bodor stated but it's out beyond a bit...What. A foot or so beyond...

Mrs. Petersen stated exactly.

Board Member Bodor stated beyond the doors.

Mrs. Petersen stated right. The door is within the 15'.

Board Member Bodor stated okay.

Mrs. Petersen stated it's just the step. The stairwell to get down into it.

Board Member Olenius stated oh, it's like the footing...

Mrs. Petersen stated exactly.

Board Member Olenius stated extending beyond the doors.

Board Member Bodor stated right.

Board Member Olenius stated oh.

Board Member Bodor stated right.

Board Member Olenius stated I got you.

Board Member Bodor stated because the door is...The entrance way is underneath the existing.

Mrs. Petersen stated right.

Board Member Olenius stated do you have approximate dimensions of the door off the top of your head. I'm sure it's...

Mrs. Petersen stated I don't know what it would be for the doors.

Board Member Olenius stated 3' x 6' it says on here.

Mrs. Petersen stated okay.

Board Member Bodor stated yes. This...Are you looking at this.

Board Member Olenius stated yes.

Board Member Bodor stated does that help.

Board Member Olenius stated yes. That's exactly...3'4" by...Is this a low profile Bilco door.

Mrs. Petersen stated yes.

Board Member Bodor stated whereas I mean it's the narrow...because they make steeper ones, too. It's a low profile one.

Mrs. Petersen stated low profile.

Board Member Olenius stated will it be painted to match the house in some way or...It's not going to be hot pink, is it. No, it's not.

[Laughter]

Mrs. Petersen stated green to match the grass probably.

Board Member Olenius stated that's perfect.

Board Member Herbst stated unless they do the whole house in that color.

Chairman Buzzutto stated remove all the wood and debris.

Mrs. Petersen stated that has been done.

Chairman Buzzutto stated that has been done.

Mrs. Petersen stated yes.

Chairman Buzzutto stated okay. Do I have any input from the audience on this particular agenda item. Okay. Jerry, you have any input.

Board Member Bodor stated nope. I'm fine.

Chairman Buzzutto stated nope. Jerry. Close the public hearing. Make a motion to close the public hearing.

Board Member Bodor stated I'll second it.

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

Chairman Buzzutto stated opposed. So be it. Let's see.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Gregers Petersen, Case #18-10***  
***For an Area Variance for installing a Bilco Door***

**WHEREAS, *Gregers Petersen*** is the owner of real property located at 42 Taylor Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.71-1-4, and**

**WHEREAS, *Gregers Petersen*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations, in order to install a Bilco door in order to access his basement, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 15' side yard setback; Applicant will have 9.8'; ***Variance requested is for 5.2'***, 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 21, 2010*** 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 a low profile door system and will be painted appropriately to be screened.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because there are septic and well constraints to the front and rear of the property.***
3. the variance requested ***is not*** substantial ***because of the small dimensions off the door in question, 3' x 6', according to plans submitted.***

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because again, of it's small size, very little impervious coverage.*
5. the alleged difficulty necessitating the variance *was self created however is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Gregers Petersen* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 5.2' from the 15' required for a side yard setback*, in order to install a Bilco door to access his basement.

Board Member Burdick stated second.

The Secretary read roll call:

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

Resolution carried by a vote of 5 to 0.

Mrs. Petersen stated thank you very much.

Chairman Buzzutto stated you're welcome.

Board Member Olenius stated good luck.

Board Member Bodor stated good luck.

Board Member Burdick stated good luck.

Mrs. Petersen stated now, just one question, which you probably don't have the answer to, can I just go and see Nick tomorrow and do what I have to do and going on this.

Board Member Olenius stated Cheryl should have the information tomorrow morning, right.

Chairman Buzzutto stated yes.

The Secretary stated late morning.

Mrs. Petersen stated you tell me what time and I'll be there.

[Laughter]

Mrs. Petersen stated thank you very much.

Board Member Olenius stated good luck.

5) **SEAN FALLON CASE #19-10**

Mr. Sean Fallon and Mrs. Peggy Fallon were both present.

Chairman Buzzutto stated okay. Fallon.

The Secretary read the following legal notice:

**Sean Fallon Case #19-10 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to replace and enlarge an existing rear deck. The Code requires a minimum side yard setback of 15'; Applicant will have 3'; Variance requested is for 12'. The Code also there to be a minimum rear yard setback of 20'; Applicant will have 5'; Variance requested is for 15'. This property is located at 7 Ulster Road (RPL-10 Zoning District).

Chairman Buzzutto stated Mr. and Mrs. Fallon.

Mr. Sean Fallon stated yes.

Mrs. Peggy Fallon stated yes.

Mr. Fallon stated I'm Sean. That's Peggy.

Chairman Buzzutto stated raise your right hands. You swear the testimony you provide tonight will be the whole truth.

Mrs. Fallon stated we do.

Mr. Fallon stated I do.

Chairman Buzzutto stated you heard what was read from the agenda. Is there any changes in...that you have other than what's on here.

Mr. Fallon stated no.

Chairman Buzzutto stated nothing. Okay. So you want to...Let's see.

Board Member Bodor stated how large is the existing...I understand there is an existing deck back there.

Mrs. Fallon stated there was.

Mr. Fallon stated believe it or not, we can barely...When we first got the house in 2005, it was probably no bigger than that cork board [referring to the cork board in the meeting room].

Board Member Bodor stated okay.

Mr. Fallon stated so you put your grill out there, and you walk out the door and you smash right into the grill. So I basically...That's not even there now. I cut it and just made it to step down.

Board Member Bodor stated to the backyard.

Mr. Fallon stated yes. To the backyard. It was useless. You know, (inaudible). That's the existing deck that we're talking about.

Board Member Bodor stated and the size of the proposed deck is...

Mr. Fallon stated really, it's all over the place because the way the house is set on the property...

Mrs. Fallon stated it's cocked.

Mr. Fallon stated it's cocked like this. So the deck is going to be coming off the back of the house at an angle.

Mrs. Fallon stated straight on the property with the house.

Mr. Fallon stated but then from the other side of the house, it's going to come out towards a big boulder and come around the boulder and come back towards the rear property line. So it's really, I mean, I got 24' on the house and at the rear where it's going to be like narrowing in, it's going to be 18'. And at the longest point, it will be approximately 28', just because of the way...One side is going to be longer, the other side is going to be shorter. It's just the way the house is situated. Because we have an issue, when we first moved up there, we had like a major rainstorm, we took on a lot of water from...We have 3 separate pieces of properties behind. One in particular, all their water, because there's two sump pumps going dumping onto our property. It used to have little gullies that would convert it down into the culvert.

Mrs. Fallon stated it just washed out.

Mr. Fallon stated it just washed that all out. It blew out our septic system maybe the first year we were up there. It happened a second time. We just had to redo our whole leech field because it was all full, and we really can't enjoy our backyard. This is the only way we can really enjoy it, and with putting the deck up, I also want to drop like a corrugated pipe, try to divert the water down to the culvert to get it out to the culvert in the street. And it's just an ongoing issue. You know, we've called up numerous times to the Town about the certain...I don't want to dime people out or anything like that, but they know who they are. And we just want to enjoy our backyard.

Mrs. Fallon stated we have a daughter...

Mr. Fallon stated we have a young daughter...

Mrs. Fallon stated and one on the way.

Mr. Fallon stated and one on the way. We want to enjoy our backyard.

Mrs. Fallon stated we can't even enjoy our property because there's nowhere for her to play.

Mr. Fallon stated if we have two days of rain, that whole backyard is absolutely saturated.

Mrs. Fallon stated it's a swamp.

Mr. Fallon stated it's a swamp because we take on a lot of water back there.

Mrs. Fallon stated we even created in the backyard a 50 gallon drum.

Mr. Fallon stated yes. Like...

Mrs. Fallon stated that collects our water...

Mr. Fallon stated to collect our rainwater...

Mrs. Fallon stated so it doesn't contribute to the problem.

Mr. Fallon stated yes. So...

Mrs. Fallon stated but no matter...And we have a dog and he comes back inside with muddy paws every time.

Mr. Fallon stated yes.

Mrs. Fallon stated and it could just drizzle and, I mean, it's a mess. And we can't even grow the grass because it just gets all brown and...

Mr. Fallon stated yes, it's just...

Mrs. Fallon stated kind of a big mud pit.

Mr. Fallon stated and when you're looking at the fence, when we moved in there there was a rickety old fence. I brought that fence in a foot from where it was. So I don't know if...I still have property behind there, just about a foot. It's not, you know, it's not a big deal, but that fence is moved in just so I can work out there. Also, the picture that's on your paper there, that's not my house.

Mrs. Fallon stated that's not our house.

Board Member Bodor stated that on the front, that's not your [referring to the property description page].

Mr. Fallon stated no.

[Laughter].

Board Member Olenius stated that happens quite often.

Board Member Herbst stated which one are you talking about, that picture.

Mr. Fallon stated no, no, no. The picture on your cover sheet.

Mrs. Fallon stated what looks like a (inaudible) house.

Board Member Bodor stated this happens.

[Laughter].

Board Member Bodor stated we get these lovely pieces, and they say that's not the house. That's not us.

[Laughter].

Board Member Olenius stated when is this survey from, the one you submitted. I only ask because it shows your stockade fence about a foot in from your property line, so it must be relatively recent I assume.

Mr. Fallon stated yes, when we first bought the house...

Mrs. Fallon stated yes, we got that with the house in 2005.

Mr. Fallon stated 2005, so...

Mrs. Fallon stated the guy we bought it from had it.

Mr. Fallon stated so.

Chairman Buzzutto stated is that the (inaudible) from the top there.

Board Member Olenius stated oh, yes.

Mr. Fallon stated because I came to the Town when we were putting the fence up and Cheryl told me just play it safe, bring it in a foot and basically cover yourself that way, you know. So...

Chairman Buzzutto stated you mentioned a boulder there, does that interfere with...

Mr. Fallon stated no, we're actually going to come up to the boulder...

Mrs. Fallon stated no.

Mr. Fallon stated and just, you know, square out and go... You know, sort of like an ornamental type thing.

Chairman Buzzutto stated but that's not causing you to move the deck...

Mr. Fallon stated no, no, no, no. That's the way we planned it.

Chairman Buzzutto stated yes.

Mr. Fallon stated we don't want to move that boulder. God knows how big it is. That's a rock right there.

Chairman Buzzutto stated looks like a face actually.

[Laughter].

Mrs. Fallon stated when we got there, it had like little plastic sticker doodles on it. It was kind of (inaudible).

Chairman Buzzutto stated that should be up on Mount Rushmore.

[Laughter]

Mr. Fallon stated yes.

Mrs. Fallon stated we've kind of thought about painting it a ladybug, but it's (inaudible).

Board Member Olenius stated your survey shows a rail tie wall.

Mrs. Fallon stated that's gone.

Mr. Fallon stated I...that's all gone, too, because it was just rotted out and disgusting. So it was all ripped out. Yes, it says there's other fences there, but we didn't...There was only one fence there when we moved in and it's been replaced.

Board Member Bodor stated how high is the deck proposed to be.

Mr. Fallon stated it's 18" at best. Yes, it's not high at all.

Mrs. Fallon stated at our house where you come out of our deck door, it's not that far down.

Mr. Fallon stated yes, it's not that far down.

Mrs. Fallon stated we literally have...Like, the top step is right even with the floor of the kitchen, and then you have one step down, and then the ground.

Mr. Fallon stated yes.

Mrs. Fallon stated so there's not much space from the...

Board Member Bodor stated so there's no space underneath it to...

Mr. Fallon stated no.

Board Member Bodor stated to do anything much with.

Mr. Fallon stated no.

Mrs. Fallon stated no.

Mr. Fallon stated I mean, probably just level it off a little bit. There will be no railing because the Code doesn't require it. It's not going to be attached to the house is any way, it's just going to be freestanding.

Board Member Bodor stated freestanding.

Mr. Fallon stated freestanding structure, yes. Because the house is all mixed (inaudible) foundation. Stone here, concrete there, cinder block there. You know.

Chairman Buzzutto stated if it's not attached, does that become an accessory building or whatever.

Board Member Bodor stated an accessory structure.

Board Member Olenius stated it's still abutting.

Board Member Burdick stated it's still abutting.

Board Member Olenius stated as long as...

Board Member Burdick stated it's not attached to the house.

Mr. Fallon stated the support beams will be resting right, you know, basically...

Chairman Buzzutto stated oh, okay. I thought it was going to be...

Mrs. Fallon stated it's not built into the...

Mr. Fallon stated the side of the house.

Mrs. Fallon stated the façade of the house.

Mr. Fallon stated yes.

Chairman Buzzutto stated alright.

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

Board Member Burdick stated I agree.

Chairman Buzzutto stated what's this, the deck here [referring to a survey].

Board Member Olenius stated yes. The crosshatch.

Chairman Buzzutto stated it's large.

Board Member Bodor stated it's quite large.

Mr. Fallon stated yes.

Board Member Bodor stated that's what I would like to see, you know.

Mr. Fallon stated yes.

Board Member Bodor stated what it looks like in person.

Mr. Fallon stated right, right.

Board Member Bodor stated you can stake it out and we could come out to and take a look at it to get better visual on it.

Mr. Fallon stated yes. Not a problem.

Board Member Olenius stated yes. If you can just put a couple pins in and some...

Mr. Fallon stated yes, yes.

Board Member Olenius stated mason line or something just so we can see where, you know...

Mr. Fallon stated okay.

Board Member Olenius stated we're looking at.

Chairman Buzzutto stated so we'll table this.

Board Member Olenius stated where's Ulster Road.

Mr. Fallon stated it's sandwiched between Kensington [Road] and Jasper [Road], right off of Fairfield [Drive].

Board Member Olenius stated oh.

Mrs. Fallon stated up around the hill.

Board Member Olenius stated okay.

Mrs. Fallon stated it's on the right.

Mr. Fallon stated don't look for that house in your picture.

[Laughter].

Board Member Olenius stated that's why I asked.

Mr. Fallon stated you want me to stake out the front.

Board Member Bodor stated you have your mailbox outside.

Mr. Fallon stated yes.

Board Member Bodor stated with your number on it.

Mr. Fallon stated yes.

Board Member Bodor stated okay.

Mr. Fallon stated and there's a big milk can that has our name on it, so.

Mrs. Fallon stated it has a bay window in the front of the house.

Board Member Olenius stated that was the main reason I asked where it was because a lot of times I go by the picture.

[Laughter]

Mrs. Fallon stated we're going to be on vacation next week. And we're here this week. But we're leaving next Saturday and we'll be back...

Board Member Herbst stated how long are you going to be gone.

Mrs. Fallon stated we'll be back next Friday.

Board Member Herbst stated you'll be back next Friday.

Board Member Olenius stated next Friday.

Mr. Fallon stated yes. Next Friday (inaudible). But other than that, we're here, so...

Chairman Buzzutto stated we may be able to work them both in the week after, maybe.

Board Member Olenius stated so you'll be returning the 30<sup>th</sup>, is next Friday.

Mrs. Fallon stated yes.

Board Member Olenius stated okay. We can maybe try to shoot for the first week in August. We'll figure that out after, but we'll let you know. As long as we know when you're not going to be here, so...

Mrs. Fallon stated yes. Otherwise we're here.

Board Member Olenius stated make sure someone's around, okay.

Chairman Buzzutto stated okay, fine.

Mrs. Fallon stated thank you.

Chairman Buzzutto stated we'll see then.

Mr. Fallon stated great.

Board Member Olenius stated we'll leave the public hearing open until...

Mr. Fallon stated okay.

Chairman Buzzutto stated alright, so we're going to table it then.

Mrs. Fallon stated okay.

Chairman Buzzutto stated Sarah will be in touch with you when we'll come out.

Mrs. Fallon stated okay. Thank you.

Chairman Buzzutto stated okay.

Mr. Fallon stated alright. Thanks a lot.

Mrs. Fallon stated thank you very much everyone.

Board Member Bodor stated you're welcome.

Board Member Olenius stated enjoy your vacation.

Mr. Fallon stated thank you.

Board Member Herbst stated (inaudible – too distant).

Board Member Olenius stated right past Nick's Pizza on the right when you're heading towards New Fairfield.

Board Member Bodor stated oh, it's up in there.

Board Member Olenius stated up there, yes.

Board Member Bodor stated okay.

Board Member Herbst stated they're on the right side.

Board Member Olenius stated on the right side.

Board Member Bodor stated well, what goes in off of Fairfield.

Board Member Olenius stated Welfare or Jasper, either one.

Board Member Bodor stated okay.

Board Member Olenius stated oh, wait. She said between Kensington and Jasper.

Board Member Burdick stated and this is Ulster. Is Ulster right off Fairfield.

Board Member Olenius stated there's a really tight one there. There's a really funny, tight, little road that goes in. And I didn't know the name of it, but it might be it though.

Board Member Bodor stated we were up in that area once before.

Board Member Burdick stated yes. The house was right on the border, right. Is that the one I'm thinking of, or is that another one.

Board Member Bodor stated no. I don't...There was a house on the corner that we went to see. There was a garage or something out back of it. It was up in there somewhere.

Board Member Olenius stated yes. Yes. I think it is before that though. I know where you're talking...

Board Member Bodor stated you know where I'm talking.

Board Member Olenius stated I know where you're talking about. Yes, we made the right on Welfare and then it was on the left.

Board Member Bodor stated I didn't know where it was.

Board Member Olenius stated yes.

Board Member Bodor stated it was up in there.

Board Member Olenius stated because Welfare brings you back to like Sherwood Hill. It's that connecting...

Board Member Bodor stated oh, is Sherwood up there.

Board Member Olenius stated it takes you down to Gage Road. Either way when you go in there, you could split.

Board Member Bodor stated I saw Sherwood. I know, I have a volunteer that lives on Sherwood Hill Road. I didn't know. I thought it was in Brewster.

Board Member Olenius stated I think it's Brewster mailing address.

Board Member Bodor stated oh, is it.

Board Member Olenius stated okay.

Board Member Burdick stated I didn't know it connected.

## **6) OTHER BUSINESS**

### **b) Site Walks**

Board Member Bodor stated alright. Okay. We have two cases; they're both over in the lake to do.

Chairman Buzzutto stated the first one was Fallon. And the other one was Pinchbeck.

Board Member Olenius stated Pinchbeck.

Board Member Bodor stated Pinchbeck.

Chairman Buzzutto stated oh, Pinchbeck.

Board Member Burdick stated Lacona [Drive].

Board Member Bodor stated Lacona he's on. Lacona's not anywhere near, is it. They're opposite ends.

Board Member Olenius stated yes.

Board Member Bodor stated isn't Lacona like up behind the firehouse somehow.

Board Member Olenius stated it is.

Board Member Bodor stated yes.

Board Member Olenius stated it's up off of Haviland. I can't think of which road it is, but I think it's right off of Haviland. Yes. Oh, now it makes sense. It's near the New Life Christian Church. That's why he said the pastor's his neighbor.

Board Member Bodor stated that's right, the pastor. Right. The rock church.

Board Member Olenius stated I think it's the road that...Yes, the rock church, on the same side as the church.

Board Member Bodor stated okay.

Chairman Buzzutto stated that (inaudible).

Board Member Olenius stated yes, before it.

Board Member Bodor stated before that.

Board Member Olenius stated just past the ball field.

Chairman Buzzutto stated yes. Other business. No other business.

Board Member Olenius stated I have other business.

Board Member Bodor stated that sounds...

Board Member Olenius stated the August meeting...I'm affected by the August meeting date.

Board Member Burdick stated affected by the August meeting date.

[Laughter]

Board Member Burdick stated I like that.

Chairman Buzzutto stated not all month.

Board Member Olenius stated no, we'll be gone the 13<sup>th</sup> through the 23<sup>rd</sup> though.

Chairman Buzzutto stated what was the meeting date.

Board Member Bodor stated I bet you have to take a kid back to school.

The Secretary stated we moved it to the 30<sup>th</sup>.

Board Member Olenius stated we did already.

The Secretary stated yes.

Board Member Olenius stated I just didn't write it down. That is awesome. I thought we talked about it, but I wasn't sure. Safe.

Board Member Burdick stated and I'm looking and going I don't even have it written on my calendar, but I have the 30<sup>th</sup> written down. I just wasn't looking for...

Board Member Olenius stated I just didn't change it on the actual thing. I...

Board Member Herbst stated the 30<sup>th</sup> is when the meeting is.

Board Member Burdick stated yes, Monday.

Board Member Bodor stated the meeting is the 30<sup>th</sup>.

The Secretary stated and it's a Monday.

Board Member Herbst stated and it's a Monday.

Board Member Olenius stated perfect.

Board Member Herbst stated because that's what I have on my board.

Board Member Bodor stated I didn't write it either.

Board Member Burdick stated and I even called you, didn't I, and ask you.

The Secretary stated I think so, yes. Yes, we did it like 3 months ago when...

Board Member Burdick stated yes.

The Secretary stated we moved the June meeting.

Board Member Olenius stated because I remember saying that I thought it was going to be a problem but I didn't know if we ever resolved it or not.

The Secretary stated yes.

Board Member Olenius stated okay, great. Sorry about that. No other business.

Board Member Burdick stated no problem.

Chairman Buzzutto stated so the 30<sup>th</sup> is okay with everybody for the meeting for August.

The Secretary stated hold on [referring to the tape ending].

#### **TAPE ENDED**

The Secretary stated okay.

Chairman Buzzutto stated alright, site walk.

Board Member Olenius stated well, next week was no good for those last people. They couldn't be there to show it so I don't...I'm just throwing out the first week in August.

Board Member Burdick stated I'm okay any night except the Monday the 2<sup>nd</sup>.

Board Member Bodor stated I'm no good beginning the 6<sup>th</sup>. And the whole following week until the 16<sup>th</sup>. The 6<sup>th</sup> or the 16<sup>th</sup> doesn't work.

Board Member Olenius stated yes. That's where...You and I overlap there. Because it almost takes the 6<sup>th</sup> to the 23<sup>rd</sup> out. Between...So maybe the 3<sup>rd</sup>, 4<sup>th</sup>, or 5<sup>th</sup>. Get them out of the way.

Board Member Bodor stated yes.

Board Member Olenius stated I don't think they're going to take that long.

Board Member Bodor stated I can do that.

Board Member Burdick stated no, I don't think they will.

Board Member Bodor stated no.

Chairman Buzzutto stated they're close.

Board Member Olenius stated are any of those days bad for you.

Board Member Herbst stated the...

Board Member Olenius stated it's Tuesday, Wednesday, or Thursday.

Board Member Bodor stated the first week in August.

Board Member Herbst stated yes, it's fine, as far as I know.

Board Member Olenius stated you want to aim for Tuesday, rain date Wednesday.

Board Member Bodor stated good deal.

Board Member Burdick stated sounds good.

Board Member Bodor stated time.

Chairman Buzzutto stated Tuesday would be what, the...

Board Member Burdick stated 3<sup>rd</sup>.

Board Member Olenius stated the 3<sup>rd</sup>.

Chairman Buzzutto stated 3<sup>rd</sup>. Well, we have plenty of daylight now.

Board Member Burdick stated 4:20...25.

Board Member Herbst stated what time are we going make it.

Chairman Buzzutto stated 4:25 you said.

Board Member Burdick stated 4:20, 4:25, yes. I usually don't get out...

Board Member Herbst stated alright. That's fine.

Board Member Burdick stated before 4 o'clock during the summer.

Board Member Bodor stated and you got to go over to the lake anyway, so.

Board Member Burdick stated yes.

Board Member Herbst stated where do we meet.

Board Member Bodor stated 4:30.

Board Member Burdick stated 4:30. Okay.

Board Member Bodor stated 4:30.

Board Member Olenius stated at the rock church. Does that work for you guys.

Board Member Bodor stated yes. Only because I'm not sure where Ulster [Road] is yet and I want to do a drive by first before I have us meet over there.

Board Member Bodor stated alright. We can meet at the rock church.

Board Member Burdick stated that right past the ball fields, right. On the right.

Board Member Olenius stated right past the ball fields on the right.

Board Member Burdick stated okay.

Board Member Olenius stated there's a big parking area there.

Board Member Bodor stated okay.

Board Member Olenius stated that may actually be Lacona [Drive] but I'm not sure. I think it might be the next road after that.

Board Member Burdick stated okay. And then the rain date is the 4<sup>th</sup>. Is that what we said.

Board Member Bodor stated rain date the next date, yes.

Board Member Burdick stated okay.

Board Member Bodor stated sounds good.

Board Member Olenius stated 4:30, the same time.

Board Member Bodor stated 4:30, yes. Same. At the rock church.

Board Member Olenius stated yes.

Board Member Bodor stated that sounds good.

Board Member Herbst stated now we're going to both at the same time.

Board Member Bodor stated they're both over in the lake, yes.

Board Member Herbst stated yes, I know.

Board Member Bodor stated yes.

Board Member Herbst stated it would make sense to do that.

Board Member Bodor stated yes.

Board Member Herbst stated yes.

Board Member Bodor stated we will.

Board Member Herbst stated okay.

Board Member Olenius stated you can probably tell them, the first one, if Pinchbeck is 4:30 you could probably tell the other people, I would almost say 5 [o'clock].

The Secretary stated okay.

Board Member Olenius stated and I don't think either one is going to take all that long.

Board Member Burdick stated no.

Board Member Bodor stated no it's not.

Board Member Herbst stated no.

Board Member Olenius stated it's not that big of a lot there. And it's less than 5 minutes in between, so.

The Secretary stated okay.

Chairman Buzzutto stated sounds good to me.

Board Member Herbst stated Pinchbeck I know how to get to and I think I know how to get to the other one.

Board Member Olenius stated yes. I'm just not sure where Ulster [Road] is.

Board Member Herbst stated it's on...I know the street's name because I sold a house there, so.

Chairman Buzzutto stated I know how to get to rock church.

Board Member Herbst real estate years ago, but they change everything...

Board Member Bodor stated we're going to rock church.

Chairman Buzzutto stated from there...

Board Member Bodor stated we're going to caravan there.

## **b) Minutes**

Board Member Bodor stated we have two sets of minutes to approve. April 21<sup>st</sup> and May 19<sup>th</sup>.

Board Member Olenius stated just the April, right.

The Secretary stated right.

Board Member Olenius stated yes. She never...She didn't complete...

Board Member Bodor stated oh, you didn't get them in.

The Secretary stated no.

Board Member Bodor stated how about just April then. April 21<sup>st</sup>.

Chairman Buzzutto stated motion to...

Board Member Bodor stated motion someone.

Board Member Olenius stated I'll make a motion to approve them.

Board Member Bodor stated second.

Board Member Herbst stated I'll second it.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Bodor stated it's done. Any other business.

Rich Williams stated (inaudible – too distant).

Board Member Bodor stated what.

Chairman Buzzutto stated any other business here.

Board Member Bodor stated no other business.

Board Member Olenius stated don't be putting your two cents in either.

Board Member Bodor stated make a motion to adjourn the meeting.

Board Member Olenius stated I'll second.

Board Member Bodor stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 8:10 p.m.