

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
August 25, 2008**

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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
Martin Posner

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
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**Zoning Board of Appeals
August 25, 2008 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 Burdick, Board Member Lars Olenius, Board Member Posner, Jennifer Herodes, Attorney with Town Attorney's Office Curtiss, Leibell, Herodes & Molé and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:00 p.m.

Chairman Buzzutto led the salute to the flag.

Approximately 15 members in the audience.

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

Roll Call:

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

1) ANTHONY BONIELLO CASE #06-08

Mr. Joe Fassacesia, Architectural Visions PLLC, was present (arrived late at 7:04 p.m.).

Chairman Buzzutto stated okay. You want to read the...

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 Monday, August 25, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Anthony Boniello Case #06-08 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 21' x 15' addition and to enlarge the existing bedrooms and relocate the master bedroom and bath of a pre-existing, non-conforming, three bedroom single-family dwelling. The Patterson Town Code requires a lot area of 87,120 square feet; Applicant can provide 47,091.64 square feet; variance requested is for 40,028.36 square feet. The Applicant has a 61.3' front yard setback; Code requires 65'; variance requested is for 3.7'. The Patterson Town Code also requires a 30' side yard setback; Applicant currently has greater than 30'; proposed setback is 20.7'; variance requested is for 9.3'. Applicant is also requesting a variance pursuant to §280-a(3) of the Town Law. Applicant's dwelling is on a lot that does not have frontage on a Town, County or State roadway. This property is located at 2190 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated alright. Mr. Boniello. He's not here yet. Alright, we'll skip that one and pick it up later. Okay. Is this he [referring to Mr. Joe Fassacesia walking into the meeting room].

Mr. Joe Fassacesia stated good evening.

Chairman Buzzutto stated good evening.

Mr. Fassacesia stated good evening.

Board Member Bodor stated we need you to use the microphone please. And identify yourself to us please.

Mr. Fassacesia stated good evening. My name is Joe Fassacesia from Architectural Visions, representing Anthony Boniello. The project, as you have been out to the site, you can see the location on...We're trying to square off the existing building. And that is essentially the project. Can I take any questions.

Chairman Buzzutto stated let's see what we've got here. This is the...What is this. On Route 22 out past by where the old police station used to be, across the street.

Board Member Bodor stated no, no. This is the one that we did the site visit on.

Chairman Buzzutto stated yeah.

Board Member Bodor stated by Empire Tool.

Chairman Buzzutto stated okay. It's just down in the front. Okay. Alright. Let's see what we've got on this on here. You're trying to square off the property for what particular reasons.

Mr. Fassacesia stated well, we're trying to square off the building. The building has an original bedroom count of three. There's currently two bedrooms situated on the...in the premise, and we're trying to rearrange the premise. The family's growing, so they need an increase...They're looking to increase the

size of the structure. So being able to square it...What happened with the property on why it's on such a peculiar lot line, prior to the Boniello's purchasing the property, a lot line realignment was conducted, which of course just went to the minimum amount of the Code requirement. And now, we're looking at the portion of the...excuse me. This portion of the property goes into that amount.

Board Member Olenius stated so that's the side where the previous lot line adjustment was made.

Mr. Fassacesia stated the previous lot line cut right through the middle of the house prior to them purchasing it. The previous owner had made this lot line change prior to anything else happening. So this is what was created based on the condition of the existing footprint, which, unfortunately, didn't allow our client to have any room for...

Board Member Olenius stated future expansion.

Mr. Fassacesia stated future expansion at all.

Chairman Buzzutto stated now, this piece where you're going to expand it, is this being purchased or is it already owned by the...

Mr. Fassacesia stated he already owns the property.

Chairman Buzzutto stated already owns it.

Mr. Fassacesia stated yeah. He already owns this.

Board Member Bodor stated one of the variances that you're requesting is the fact that there is no frontage on [Route] 22. Can you explain why that is and...

Mr. Fassacesia stated absolutely.

Board Member Bodor stated and why it's something that can not be overcome.

Mr. Fassacesia stated well, the property itself is landlocked, and was landlocked before hand. This isn't a new variance that we're requesting. This is actually just updating, legalizing, all the aspects that are on this property. The property has a 30 foot easement that cuts through Empire Power Tools to actually get to this piece of property. So the actual tax map for this piece of property is a completely landlocked piece of property.

Board Member Bodor stated what is the title of ownership for that property and the adjoining property. What are the names on the deeds.

Mr. Fassacesia stated this one is actually under a group of names, and this one is under Anthony and Michael Boniello.

Board Member Bodor stated they're not named the same.

Mr. Fassacesia stated no.

Board Member Bodor stated and you're not increasing the number of bedrooms in the house.

Mr. Fassacesia stated that's correct.

Board Member Bodor stated it will remain the same.

Mr. Fassacesia stated it will stay at a three-bedroom bedroom count.

Chairman Buzzutto stated okay.

Board Member Bodor stated I know there was a question, too, about on the tax...the assessor's photograph that came with the application, the original one. There was a garage in the front of the building which I didn't remember being there any longer. But when we went out there, we had discovered that it had been changed to a residential section also. It is no longer a garage. It was closed up and there's a room...living quarters in there. Is that correct.

Mr. Fassacesia stated that's what is there right now.

Board Member Bodor stated right. So it's no longer the garage.

Mr. Fassacesia stated yes. It is not a garage.

Board Member Bodor stated it has been changed over. Okay. Thank you.

Mr. Fassacesia stated when...At what time, what date it was, I'm not sure.

Board Member Bodor stated okay.

Chairman Buzzutto stated all of the discrepancies that we found last meeting, were they all straightened out.

Mr. Fassacesia stated yes. All the items within the application...

Chairman Buzzutto stated all had been corrected. The representation, the name, and stuff like that. So we're just dealing with the...

Board Member Olenius stated excuse me. You stated that right-of-way is 30 feet in width.

Mr. Fassacesia stated yes.

Board Member Olenius stated because the deed states 15 feet in width.

Mr. Fassacesia stated there was recently an increase...

Board Member Olenius stated okay.

Mr. Fassacesia stated of an additional 15 feet, that has just been (inaudible).

Chairman Buzzutto stated there's no expiration on the easement itself, is there.

Mr. Fassacesia stated no.

Chairman Buzzutto stated that runs with...

Mr. Fassacesia stated it runs along the property.

Chairman Buzzutto stated as long as the property is there, the easement will always be there.

Mr. Fassacesia stated that is correct.

Chairman Buzzutto stated okay. So he won't be cutoff of that. Okay, let's see what else we've got.

Board Member Olenius stated could you tell me what year that initial lot line adjustment was made, to get into those codes.

Mr. Fassacesia stated the year I'm not 100%. It was prior to my client buying the property.

Board Member Olenius stated it was to make the property saleable.

Mr. Fassacesia stated that's...

Board Member Olenius stated or to bring it up...

Mr. Fassacesia stated that's pretty much our assumption. As a matter of fact, depending on which tax map you look at, some of them have the odd shape, some of them don't.

Board Member Olenius stated and your client bought in '01, did I see.

Mr. Fassacesia stated yes.

Board Member Olenius stated somewhere.

Chairman Buzzutto stated yeah. Over here it says '01.

Board Member Olenius stated 2001. Yeah.

Mr. Fassacesia stated yes.

Chairman Buzzutto stated do you see anything else that has to be...The piece that's going to be extended out there, that's just to change the lot line. That's what you're talking about on that.

Mr. Fassacesia stated currently the existing structure has that shape.

Chairman Buzzutto stated right.

Mr. Fassacesia stated and we're looking to...we want to square that piece off. And this is the corner right here...

Chairman Buzzutto stated right.

Mr. Fassacesia stated that comes into...that has created the (inaudible).

Chairman Buzzutto stated that gives you the proper setback with the change of the lot line.

Board Member Bodor stated no. The lot line has been changed. What they are doing is asking for a variance to put the addition on the house...

Chairman Buzzutto stated oh they are. Okay.

Board Member Bodor stated which will create a violation because they don't have enough space there between the corner that they're putting on and the...

Chairman Buzzutto stated I see.

Board Member Bodor stated lot line. Here [referring to plans].

Chairman Buzzutto stated I must have left mine at home.

Board Member Bodor stated this is the curved lot line.

Chairman Buzzutto stated I see. This is where the...

Board Member Bodor stated there's the addition. This is what they want to put on. And there's where the shortage is. Right there.

Chairman Buzzutto stated and this addition has bedrooms like you...

Board Member Bodor stated they're enlarging the existing...

Chairman Buzzutto stated they're enlarging it. Yeah.

Board Member Bodor stated but there's no change in the count.

Chairman Buzzutto stated alright.

Board Member Olenius stated Mr. Williams, a little insight here. I see this home was built in 1945. At what point in time was this area zoned commercial, or C-1, if you recall.

Rich Williams stated 1976. I would go back that far for being zoned commercial.

Board Member Olenius stated okay. Thank you.

Board Member Bodor stated this is the easement going out to [Route] 22. That's their driveway right there. Right out to [Route] 22. Remember when we turned around right there.

Chairman Buzzutto stated yeah. Okay. I went over here first [referring to the plans].

Board Member Bodor stated yeah, you did. You went too far. You had to come back here. And then we turned around at the trees.

Chairman Buzzutto stated yeah. That's right. Alright.

Board Member Bodor stated this is the addition.

Chairman Buzzutto stated is there anything else we have to... You have figures on that. Do I have any input from the audience on this particular case here. No input from the audience.

Board Member Bodor stated thank you for the amended application.

Mr. Fassacesia stated oh, absolutely. No problem.

Board Member Bodor stated it was much neater.

Chairman Buzzutto stated yeah. Do you...

Board Member Olenius stated I can try the first one.

Chairman Buzzutto stated alright. Then I close the public hearing on this particular case. All in favor. Motion passed by a vote of 5 to 0.

Board Member Olenius stated I'm doing the square footage.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Anthony Boniello, Case #06-08
For an Area Variance for an Addition to a Single-family Dwelling

WHEREAS, *Anthony Boniello and Michael Boniello* are the owners of real property located at 2190 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.-5-29, and**

WHEREAS, *Anthony Boniello* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, for construction of an addition to a single-family dwelling, and

WHEREAS, Patterson Town Code requires a lot to be 87,120 square feet in the C-1 Zoning District; Applicant has 47,091.64 square feet; ***variance requested is for 40,028.36 square feet,*** 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, 2008 and August 25, 2008, and a site walk conducted on July 28, 2008 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 existing home has been there well before zoning changed for this area.***

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the landlocked status of this particular piece of property.*
3. the variance requested *is* substantial *however due to the fact that the current home pre-exists current zoning by thirty years, it's not so much as to deny it.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because lot size is definitely large enough for a single-family dwelling, just perhaps not large enough for a commercial establishment as the zoning currently states.*
5. the alleged difficulty necessitating the variance *was self-created but is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Anthony Boniello* for an *area variance of 40,028.36 square feet for lot size requirements* as set forth in §154-7 of the Patterson Town Code *for the construction of an addition to a single-family dwelling on a lot with the area of 47,091.64 square feet.*

Board Member Bodor stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Board Member Bodor stated do you want me to do the front yard setback.

Chairman Buzzutto stated do you have a (inaudible).

Board Member Bodor stated yeah.

Chairman Buzzutto stated okay, fine.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Anthony Boniello, Case #06-08
For an Area Variance for an Addition to a Single-family Dwelling

WHEREAS, Anthony Boniello and Michael Boniello are the owners of real property located at 2190 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.-5-29, and**

WHEREAS, Anthony Boniello has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, for an addition to a single-family dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a front yard setback of 65' in the C-1 Zoning District; Applicant currently has 61.3'; Applicant will have 61.3'; *variance requested is for 3.7'*; 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, 2008 and August 25, 2008, and a site walk conducted on July 28, 2008 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 residence is in existence and has been for many years in its present location.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the fact that it is existing.*
3. the variance requested *is not* substantial *because they are only looking for a variance of 3.7'.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the residence is in existence and has been in existence for a period of time.*
5. the alleged difficulty necessitating the variance *was not self-created nor 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 **Anthony Boniello** for *an area variance of 3.7' from the front yard setback of 65'* as required in the C-1 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Dimensional Requirements, in order to permit a 61.3' front yard setback between the proposed addition to the single-family dwelling and the front property line.

Board Member Burdick stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Board Member Burdick stated Buzz, do you want me to do the side yard.

Board Member Bodor stated yes. Go ahead.

Board Member Burdick read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Anthony Boniello, Case #06-08
For an Area Variance for an Addition to a Single-family Dwelling

WHEREAS, *Anthony Boniello and Michael Boniello* are the owners of real property located at 2190 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.-5-29, and**

WHEREAS, *Anthony Boniello* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, for an addition to a single-family dwelling, and

WHEREAS, §154-7 of the Patterson Town Code requires a side yard setback of 30' in the C-1 Zoning District; Applicant will have 20.7'; ***variance requested is for 9.3'***; and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on July 21, 2008 and August 25, 2008, and a site walk conducted on July 28, 2008 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 residence has existed for many years.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the residence already exists.***
3. the variance requested ***is not*** substantial ***because it's only 9.3'***.
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because the residence has been in existence for some time.***
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 ***Anthony Boniello*** for ***an area variance of 9.3' from the side yard setback of 30'*** as required in the C-1 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Dimensional Requirements, in order to permit a 20.7' side yard setback between the proposed addition to the single-family dwelling and the side property line.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Posner read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Anthony Boniello, Case #06-08
For an Area Variance for an Addition to Existing Single-family Dwelling

WHEREAS, *Anthony Boniello and Michael Boniello are* the owners of real property located at 2190 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 35.-5-29, and**

WHEREAS, *Anthony Boniello* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §280-a(3) of the Town Law for an addition for a single-family dwelling on a lot that does not have frontage on a Town, County or State roadway, and

WHEREAS, §280-a(3) of the Town Law states where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits established to the board of appeals or other similar board, in any town which has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are hereby applied to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order issued out of a special term of the supreme court in the manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations; and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, for which the Board has determined a negative declaration of significance 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, 2008 and August 25, 2008, and a site walk conducted on July 28, 2008, 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 residence has been on that property for an extremely long period of time, prior to zoning changes as well.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the property is landlocked and the only way to get to the road is by easement.*
3. the variance requested *is* substantial *but not such as to prevent the granting of the area variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the residence has been there for many years.*
5. the alleged difficulty necessitating the variance *was not self-created and is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Anthony Boniello* for *an area variance to permit the construction of an addition to a single-family dwelling on a lot that does not have frontage on a Town, County or State roadway* as required in the C-1 Zoning District as set forth by §280-a(3) of the Town Law.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

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

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

Mr. Fassacesia stated alright, thank you very much.

Chairman Buzzutto stated you're welcome. Good luck.

Board Member Olenius stated good luck.

2) ELAINE & DALE KIRKLAND CASE #07-08

Elaine and Dale Kirkland were both present.

Chairman Buzzutto stated Elaine and Dale Kirkland.

The Secretary read the following legal notice:

Elaine and Dale Kirkland Case #07-08 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 22' x 30' two-story, detached garage. The Patterson Town Code requires a 20' side yard setback; Applicant can provide 9'; Variance requested is for 11'±. Applicant is also requesting a 9'± rear yard variance; Code requires a 25' rear yard setback; Applicant has 16'. This property is located at 11 Sonnet Lane (R-4 Zoning District).

Chairman Buzzutto stated do you want to give your name...raise your right hand and give your name sir.

Dale Kirkland stated my name is Dale Kirkland.

Chairman Buzzutto stated okay.

Dale Kirkland stated this is Elaine Kirkland.

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

Dale Kirkland stated yes.

Chairman Buzzutto stated okay, fine. Okay, you are the owner of the property.

Dale Kirkland stated we are the owners [referring to himself and Elaine Kirkland].

Chairman Buzzutto stated okay. So you're here to...Sonnet Lane. Is that down on [Route] 22.

Elaine Kirkland stated right off [Route] 311.

Chairman Buzzutto stated right off [Route] 311.

Elaine Kirkland stated yes.

Board Member Bodor stated right before Brickhouse [Road].

Chairman Buzzutto stated yeah.

Board Member Bodor stated right.

Chairman Buzzutto stated okay.

Board Member Bodor stated would you like to explain to us what you want to do and why you want to do it please.

Dale Kirkland stated we have a house that has an existing two-car garage in it. It's a very small garage. It's 24 [feet] wide by 20 [feet] deep. The house does not have a lot of storage space in it; half of the footprint of the house is taken up by the existing garage. The other half is taken up by a small basement, half of that which is taken up by all the mechanicals. The attic is essentially unusable for any kind of storage because someone...the previous owners retrofitted massive amounts of air conditioning ducts, and

just draped them all over the floor. There's almost no storage in the house itself. We have a couple of old collector cars; cars that have been in the family. One I bought brand new when I was eighteen. And the other has been in the family for almost 30 years. Don't really have a good place to keep them. They're hobbyist vehicles. I don't do work on cars as a professional. I'm a musician as a profession. I'd like a safe place to keep them; a safe place where I can jack them up and change the tires if I need to, or, you know, do a little work on them. There's no excessive amount of mechanic work to be done on the premises. I would like to add the room to work on the cars and keep them protected from the weather and that sort of thing, and have the use of the garage. The garage that's in the house right now is for the cars that are driven daily. And then this loft, storage space above the garage just for storage of, you know, miscellaneous items that would go into an attic or a basement otherwise.

Chairman Buzzutto stated these are registered...

Dale Kirkland stated yes. They're registered historic.

Chairman Buzzutto stated cars.

Dale Kirkland stated registered, insured, licensed...

Chairman Buzzutto stated okay.

Board Member Bodor stated and why is it you want to place this garage where you're desiring to put it.

Elaine Kirkland stated our understanding is that the house...the lot itself has been rezoned since it's original building. And the house sits to the rear backend of the lot itself, and there's really no other place, due to topography, to put the garage. This would be at the end of the existing driveway.

Dale Kirkland stated basically at 90° to the house.

Board Member Bodor stated is there a residence next to you that you would be close to that 9 foot sideline.

Elaine Kirkland stated there is a yard. The house itself sits well in front of where the new garage would be.

Board Member Bodor stated okay.

Elaine Kirkland stated and there is an existing house on Pan Road that would be behind. But it's also one building lot away from where the new garage would be.

Board Member Bodor stated there is a vacant building lot between you and that...

Elaine Kirkland stated yes.

Board Member Bodor stated with the possibility that someday a house might be on that if it's an approved building lot. You don't know, but...

Elaine Kirkland stated we don't...

Board Member Bodor stated but it could happen.

Elaine stated but it is a building lot...

Board Member Bodor stated right.

Elaine Kirkland stated owned by one of our neighbors.

Dale Kirkland stated our understanding from the neighbors is he actually purchased the lot so that it wouldn't be built on.

Board Member Bodor stated as a buffer probably.

Dale Kirkland stated yeah.

Elaine Kirkland stated right.

Dale Kirkland stated there's also quite a heavy stand of trees between our house and the other house that borders where the garage...on the side of the garage.

Board Member Bodor stated along that line there's a heavy...

Dale Kirkland stated yeah.

Board Member Bodor stated growth of trees there. Are they evergreen trees, or are they...

Dale Kirkland stated no. It's a mixture of...

Board Member Bodor stated deciduous.

Dale Kirkland stated of some deciduous trees and some evergreens. According to the excavator, we may have to knock down one or two small ones. But vast majority of the trees will remain, which is what we would like to have there. That's one of the things that attracted us to the lot.

Board Member Bodor stated and how tall is this garage proposed to be.

Mr. Kirkland stated it would end up being around 21.2'. I believe is (inaudible – papers shuffling).

Chairman Buzzutto stated 22 feet. Well, that's the...

Board Member Bodor stated that's this [referring to plans].

Chairman Buzzutto stated yeah.

Mr. Kirkland stated that (inaudible – too distant). Thirty [feet].

Board Member Bodor stated 30' high. Is it 30' high.

Mr. Kirkland stated no. 31'.

Chairman Buzzutto stated it's 30' x 22', is it.

Mr. Kirkland stated yeah. 30' x 22' is the footprint. And the height would be similar, about 22' I believe.

Board Member Olenius stated and how tall is your existing home.

Mr. Kirkland stated that's probably 40' at least.

Chairman Buzzutto stated high.

Mr. Kirkland stated yeah. It's pretty tall.

Chairman Buzzutto stated that's not legal, is it.

Board Member Olenius stated 37' in...

Chairman Buzzutto stated 37', yeah.

Mrs. Kirkland stated the house...

Mr. Kirkland stated you have all that.

Mrs. Kirkland stated yeah, I have all the things here. On the north side is 26', on the front is 27', on the back is 27', and on the south is 30'8".

Board Member Olenius stated okay.

Mr. Kirkland stated those are heights.

Mrs. Kirkland stated those are heights.

Mr. Kirkland stated okay. Sorry.

Board Member Posner stated utilities in the storage facility, are you going to have...

Mr. Kirkland stated electric. That's it.

Board Member Posner stated just electric.

Mrs. Kirkland stated just electric.

Board Member Bodor stated and what's the separation planned for between the house and the garage.

Mrs. Kirkland stated 15 feet.

Board Member Bodor stated okay.

Mr. Kirkland stated our understanding is that's not negotiable.

Board Member Bodor stated no it's not. I wanted to make sure.

Mrs. Kirkland stated we wanted it closer and we were told it was not negotiable, so we did it over.

Board Member Bodor stated you're right. You're right.

Mrs. Kirkland stated yeah.

Board Member Olenius stated I have a question for you Mr. Raines, as you approach.

David Raines stated I felt it, so I moved closer.

Board Member Olenius stated I just noticed in your denial you did not deny anything based on the definition of garage, private, and I just wondered if you considered that bulk area ratio.

David Raines stated I did, and that's why I went to the Kirkland's after their initial submittal and strongly...well, I let them know that we have an area...a bulk dimension issue as well, and we need to shrink...We had two issues. We had a 15' setback issue they didn't have on their initial proposal; the garage was placed much closer to the...I don't know, east, west up there, but it was much closer to the house, which again, as we said, wasn't negotiable. It's a fire code regulation. And the second would be they had a 30' by twenty...

Mrs. Kirkland stated four.

David Raines stated 30' x 24', with a higher peak, with usable space on the second...the story and a half. So, that bulk requirement brought them over 50%. So by reducing the height, and by reducing the footprint, we brought it under the 50%. And then also by moving it closer to the side property line, they were able to create a 15' buffer between the two. So we ended up with a requirement for a side and rear setback.

Board Member Olenius stated I thought that you might have been involved when I saw the "X" [referring to an "X" on plans]. You know, shrinking sizes.

Mrs. Kirkland stated yeah.

Board Member Bodor stated and the upper area in this proposed garage, it's just going to remain an open, storage area.

Mrs. Kirkland stated yes.

Board Member Bodor stated it's not going to be finished in any way.

Mrs. Kirkland stated it's just going to be a loft.

Board Member Bodor stated just an open loft.

Mrs. Kirkland stated yes.

Mr. Kirkland stated it's probably not even going to be insulated unless it's required by the Code. If it's required to be insulated up there, then we will. Otherwise, then it probably won't be.

Board Member Bodor stated alright. Just so you know where I'm coming from, we are concerned about, down the road, an apartment.

Mr. Kirkland stated oh, yeah.

Board Member Bodor stated living quarters in garages, upstairs. So I'm being honest with you. And that's why I asked that.

Board Member Posner stated that's why I asked them about the heating or whether there's heaters.

Mrs. Kirkland stated yeah. No. Just electric. Not even water at this point.

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

Mrs. Kirkland stated fabulous. Come on out.

Board Member Olenius stated I would too. Just to see the layout of the land.

Mrs. Kirkland stated sure. Come on out. When would you like to come.

Board Member Bodor stated well, we'll let you know that.

Mrs. Kirkland stated okay.

Board Member Bodor stated ask if there's anymore input.

Chairman Buzzutto stated yeah, is there any input from the audience on this particular case here. Will you come up to the mic and give your name sir.

Luigi Ilardi stated Luigi Ilardi. I'm a neighbor of the Kirkland's. I'm the property to the side of the garage. What I'm against is the amount of space that will be occupied or taken up from what the law states. Basically, 55% of what the law states. I have no problem with them building a garage, storage, or what have you, but I have a problem with them being less than 20' from the property line.

Chairman Buzzutto stated I think the overall bulk space would be 50%, didn't you say. Less than...

David Raines stated I think he's concerned about the side setback.

Board Member Olenius stated the sideline.

Board Member Burdick stated sideline.

Board Member Bodor stated the sideline.

Chairman Buzzutto stated oh. I see.

David Raines stated it's going to be closer to his property than the regulations require.

Board Member Bodor stated right.

Chairman Buzzutto stated yeah. Well, that's what the variance is for.

Board Member Bodor stated okay. Yeah, that's what they're asking for, is to give them that permission.

Luigi Ilardi stated other than that...

Board Member Bodor stated thank you. Thank you for your concern. That's valid.

Chairman Buzzutto stated you have no other problems with the...

Luigi Ilardi stated no. It sounds like they've taken down the size of it. I don't have a problem with it. The trees are there to separate the lines, give us a little bit of privacy. I just want to have that space that's supposed to...

Chairman Buzzutto stated yeah.

Luigi Ilardi stated required by the law.

Board Member Bodor stated do you have anything in that far corner; pool, child's swing set, anything back there. Do you use that as part of your entertainment area, or...

Luigi Ilardi stated there's a shed that I do have some storage in. But, you know, scenario (inaudible) into things.

Board Member Bodor stated okay.

Luigi Ilardi stated kids running around. Things like that, so...

Chairman Buzzutto stated fine. Thank you.

Board Member Olenius stated that's most of the reason we want to go out and look at it ourselves, too, just so we can have an idea of what...

Chairman Buzzutto stated any other...

Board Member Olenius stated how close it is. Thank you.

Board Member Bodor stated thank you very much.

Chairman Buzzutto stated anybody else have any input. Alright. So we're going to table this particular case.

Board Member Bodor stated we will let you know when we'll be coming out. When is a bad time for you.

Mrs. Kirkland stated it doesn't...I'm retired. Anytime.

Mr. Kirkland stated I work nights and weekends. So, pretty much Monday, Tuesday, Thursday, or probably during the day are pretty good.

Board Member Bodor stated well...

Mr. Kirkland stated Wednesday is not particularly good, unless you're there early in the morning.

Board Member Bodor stated no, no. We wouldn't be coming until...

Board Member Burdick stated after 4:00 p.m.

Board Member Bodor stated after 4:00, 4:30 p.m.

Mr. Kirkland stated alright, you'll have to deal with her.

Board Member Bodor stated okay. After tonight's meeting you'll be contacted by Sarah to let you know when we'll be coming. Okay.

Mrs. Kirkland stated okay.

Board Member Olenius stated the only thing we'd request before we come out is if you could put a stake at each corner of where you're...

Mrs. Kirkland stated yes. We've got some out there now.

Board Member Olenius stated perfect. Just so we can get a visual.

Chairman Buzzutto stated okay.

Board Member Olenius stated thank you.

Board Member Posner stated thank you.

3) **Peter Cipriano Jr. Case #08-08**

Mr. Peter Cipriano Jr. was present.

Chairman Buzzutto stated Sarah, will you read the...

The Secretary read the following legal notice:

Peter Cipriano Jr. Case #08-08 – Special Use Permit

Applicant is requesting a special use permit under §154-34 (A) of the Patterson Town Code; Permitted principal uses, in order to construct a greenhouse/nursery as the primary use on the property and allow additional retail operations, which will compliment the primary use. These properties are located at 2096 and 2080 Route 22 (C-1 Zoning District).

Chairman Buzzutto stated okay. And this is...

Mr. Peter Cipriano Jr. stated good evening. I'm Peter Cipriano Jr.

Chairman Buzzutto stated how do you pronounce your last name.

Mr. Cipriano Jr. stated Cipriano.

Chairman Buzzutto stated Cipharoh.

Mr. Cipriano Jr. stated Cipriano.

Board Member Bodor stated Cipriano.

Chairman Buzzutto stated raise your right hand sir. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Cipriano Jr. stated I do.

Chairman Buzzutto stated okay, fine. You want to give us an idea of what you want there.

Mr. Cipriano Jr. stated well, we're looking to build a garden center and other retail facilities, and hopefully offices also, to have a mixed use sort of development in order to kind of fill in the seasonality of a garden center business.

Chairman Buzzutto stated that's near Ballyhack [Road]. That's right off of [Route] 22 down by...

Board Member Olenius stated that's closer to the old trooper barracks.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes. That's...

Board Member Burdick across from the old...

Chairman Buzzutto stated okay.

Board Member Bodor stated yes. Across from the old trooper barracks. Where's the access to this development here.

Chairman Buzzutto stated do you want to take the mic and go over...

Mr. Cipriano Jr. stated sure.

Chairman Buzzutto stated good.

Mr. Cipriano Jr. stated alright. This is [Route] 22 right here. After six years of going through with the Planning Board, we're trying to get a permit to remove an old part of Old Route 22 and come right onto Route 22 with a new entry. That would be given up to the Town as their roadway. And that would be the entryway. So the entryway will be on [Route] 22, and not touch Ballyhack [Road] and it will not be at that horrible intersection of Old Route 22, Ballyhack [Road] and whatever else is there. So that's the new entryway which would be on [Route] 22.

Board Member Bodor stated there will be no access at all from Ballyhack [Road].

Mr. Cipriano Jr. stated none at all. It will be completely removed, hopefully.

Board Member Bodor stated well, not completely removed because the road has to go in there.

Board Member Burdick stated he means this section [referring to the plans].

Board Member Olenius stated the old section.

Mr. Cipriano Jr. stated the old section of...

Board Member Bodor stated oh, okay.

Mr. Cipriano Jr. stated Route 22 has to be completely removed in order for the project to happen.

Board Member Bodor stated and this is a garden center you are proposing.

Mr. Cipriano Jr. stated yes. It's a garden center and hopefully with other things that can tie in because we see that more and more. Like, if you go to a grocery store, they tie in a garden center. We're trying to tie in items that would bring a shopper in so that if they have to shop for groceries, if they want to stand around and go get coffee or have ice cream or something...Come for a family event or get things and get out of there, it would allow that instead of just being a garden center which would just serve one purpose.

Board Member Bodor stated a garden center with groceries...

Mr. Cipriano Jr. stated well...

Board Member Bodor stated coffee shop.

Mr. Cipriano Jr. stated there's other retail buildings that to be built on that. So in order to tie in with the whole farm market, where garden centers are moving now. Coffee shops and that sort of thing.

Board Member Burdick stated are there any that already exist that is similar to what you're trying to do, to give the Board an idea...

Mr. Cipriano Jr. stated well...

Board Member Burdick stated an actualization.

Mr. Cipriano Jr. stated I guess there are some here. I think Adam's has sort of the idea, where they're incorporating your grocery and other things, other than just a garden center. There's Country Market in Pennsylvania. There's not many...I don't know about any other place in New York. I know Adam's is one of the biggest that does it.

Board Member Burdick stated okay.

Mr. Cipriano Jr. stated Stew Leonard's is maybe another on that is not as similar, but sort of the same idea.

Chairman Buzzutto stated the whole area will accommodate how many...not outlets, but retail...

Mr. Cipriano Jr. stated retail...

Chairman Buzzutto stated yeah. About how many stores.

Mr. Cipriano Jr. stated four...I guess 3 to 4 small stores in the range of about 600 square feet to 1,200 square feet. A larger store, 4,800 square. Hopefully a coffee shop at 2,700 square feet or 2,600 square feet. And then the garden center which will end up being about 20,000 square feet plus outdoor display area.

Board Member Olenius stated you'll be growing plants there as well, or...

Mr. Cipriano Jr. stated no.

Board Member Olenius stated I thought I saw greenhouse on there.

Mr. Cipriano Jr. stated greenhouse is being a retail greenhouse.

Board Member Olenius stated okay.

Mr. Cipriano Jr. stated just for selling, no growing. Any growing would be just display gardens, really, just for show. And I was also...I'm not sure if they put this forth to you, there are second levels on some of the...on three of the buildings. They were looking to put offices on those second levels to tie into what we do, whether it's landscape design, engineers, architects...landscape architects. Something to tie in with what we are trying to do here. Sort of the one-stop gardening place.

Chairman Buzzutto stated and that's all commercial in there, or is that...

Mr. Cipriano Jr. stated yes.

Chairman Buzzutto stated it's mixed use you said.

Mr. Cipriano Jr. stated yes. All commercial. I'm not sure about...

Chairman Buzzutto stated yeah.

Mr. Cipriano Jr. stated so the property's all commercial now.

Chairman Buzzutto stated okay.

Board Member Bodor stated how large a parcel is this plan for.

Mr. Cipriano Jr. stated with the two parcels together it's 9 $\frac{3}{4}$ acres I believe...9 $\frac{1}{2}$ acres.

Board Member Bodor stated two parcels. How's it divided into two parcels.

Mr. Cipriano Jr. stated separating the main parcel, that's owned by my parents, and the minor parcel, that's between Old Route 22 and [Route] 22. Those are the two parcels.

Board Member Bodor stated okay.

Chairman Buzzutto stated will there be traffic lights involved in the...

Mr. Cipriano Jr. stated not yet.

Chairman Buzzutto stated and stuff like that.

Mr. Cipriano Jr. stated no.

Chairman Buzzutto stated do we have any input from the audience on this. I thought there would be.

Board Member Bodor stated I'd like to go out and walk this.

Board Member Burdick stated so would I.

Chairman Buzzutto stated yeah.

Board Member Bodor stated you know, I want to go on site and see where the stakes are and what's planned. What's the percentage for coverage for the parking areas and the buildings for the parcel...the main parcel.

Mr. Cipriano Jr. stated percentage of coverage. I do not know what the percentage of coverage is. And Steve Miller, my engineer, did not come tonight.

Chairman Buzzutto stated Rich, can you give us an idea...

Rich Williams stated off the top of my head, I can't. But I can tell you that it's under 65%.

Mr. Cipriano Jr. stated 40.4%. 40.4%. Thank you.

Chairman Buzzutto stated thank you.

Mr. Cipriano Jr. stated yeah, 40.4%. So it's under the required...

Board Member Olenius stated I can't quite open my set of plans here, and I really can't see up to there [referring to the bulletin board with plans], but is there a designated loading and unloading area for deliveries and what not.

Mr. Cipriano Jr. stated yes. There are several loading and unloading areas surrounding the buildings; the main one being behind the greenhouse and Building 1. There is a minor here [referring to the plans] to serve these two minor buildings, and then there's a loading area here for loading vehicles as they are...if they want topsoil, mulch, or whatever, before they exit.

Board Member Olenius stated okay. But to load the consumer.

Mr. Cipriano Jr. stated to load the consumer.

Board Member Olenius stated okay.

Mr. Cipriano Jr. stated but to also...Unloading areas to unload tractor trailers and 10-wheelers, or whatever.

Board Member Olenius stated okay.

Board Member Bodor stated and are there currently any residences along Ballyhack [Road] anymore. I don't know going in there what's there anymore. I know a house burnt recently. And the one on the corner, I don't know what's happening.

Mr. Cipriano Jr. stated this is the house that burnt recently [referring to plan].

Board Member Bodor stated okay.

Mr. Cipriano Jr. stated this is a...it's an occupied building.

Board Member Bodor stated is that the one most toward the corner.

Mr. Cipriano Jr. stated yeah. That's the one closest to the corner that used to sell flowers.

Board Member Bodor stated right.

Mr. Cipriano Jr. stated I think at their basement level or something.

Board Member Bodor stated it was a carpenter or something in there I think.

Mr. Cipriano Jr. stated and then behind...There's a house behind here. There is a house like up the ridge and down...

David Raines stated well up the ridge.

Board Member Bodor stated well up the ridge. Okay.

Mr. Cipriano Jr. stated you can't really see it from the property.

Board Member Bodor stated okay. Alright.

Board Member Olenius stated and is there any type of improved driveway into this site, or are we parking on the side of Old [Route] 22.

Mr. Cipriano Jr. stated in terms of currently.

Board Member Olenius stated currently, yes.

Mr. Cipriano Jr. stated currently there is...there's nothing there. It's just woods and...

Board Member Olenius stated okay.

Mr. Cipriano Jr. stated and an old roadway that used to follow the maple trees. But it's...

Board Member Olenius stated okay.

Mr. Cipriano Jr. stated nothing there anymore.

Chairman Buzzutto stated but if we went down to a site walk there, where would we park. Ballyhack [Road].

Mr. Cipriano Jr. stated no. Actually right on Old Route 22.

Board Member Olenius stated that's the easiest spot.

Chairman Buzzutto stated on Old Route 22.

Mr. Cipriano Jr. stated on Old Route 22. There's an old stone wall. You can park right up against it. You can walk right in. It's up a hill; it's a pretty steep incline. And then you walk to the back. Just bring tick wear.

Board Member Bodor stated oh, that's right.

Board Member Olenius stated for ticks.

Mr. Cipriano Jr. stated no, not wear. Just ticks. Lots of ticks.

Board Member Bodor stated lots of ticks.

Chairman Buzzutto stated okay fine. So, do we have no input from the audience. Anybody. So we'll table this. Set it up for a site walk. We'll be in touch with you.

Mr. Cipriano Jr. stated okay.

Board Member Olenius stated would you be able to meet us if we went for a site walk.

Mr. Cipriano Jr. stated sure.

Board Member Olenius stated just kind of give us an idea of where the boundaries are.

Mr. Cipriano Jr. stated yeah. I can give you an idea of where things are going to go.

Board Member Olenius stated you know, we're looking more for visual distances between the edge of your buildings and Ballyhack Road, and the edge of your builds and old [Route] 22, and...

Mr. Cipriano Jr. stated okay.

Board Member Olenius stated and you know, just have an idea of where your core center of operation is going to be.

Mr. Cipriano Jr. stated yeah. That would be fine. I would like to try to get this done soon. No, I'm kidding. It's been awhile. I would love to get this done.

Chairman Buzzutto stated yeah, we kind of squeezed it in on the agenda for tonight.

Mr. Cipriano Jr. stated I know. I know. I'm trying to move forward.

Board Member Bodor stated now, this is before the Planning Board too. Is that correct.

Mr. Cipriano Jr. stated yes.

Board Member Bodor stated we wouldn't be able to make a decision tonight anyway.

Mr. Cipriano Jr. stated yes. No, I know.

Board Member Bodor stated just so you know that.

Mr. Cipriano Jr. stated that's fine.

Board Member Bodor stated we're not stalling.

Board Member Olenius stated we can get a site walk out of the way in between our next meeting and maybe they'll have some input...

Mr. Cipriano Jr. stated that's fine.

Board Member Olenius stated prior to that.

Mr. Cipriano Jr. stated yeah, just, I guess, contact me. If you need my information, I'll give it to you.

Board Member Posner stated Sarah will...

Board Member Olenius stated Sarah will...

Chairman Buzzutto stated it would still be in the evening, right.

Board Member Burdick stated we should be able to do both of them in the same night.

Board Member Bodor stated yes, we should be able to.

Chairman Buzzutto stated yeah. Right.

Board Member Olenius stated I would think so.

Chairman Buzzutto stated yeah.

Board Member Bodor stated I think so.

Board Member Burdick stated because the other one's going to be quick.

Board Member Bodor stated right.

Chairman Buzzutto stated okay, Sarah will be in touch.

Mr. Cipriano Jr. stated thank you.

Chairman Buzzutto stated Rich, you have...

Mr. Cipriano Jr. stated thank you.

Board Member Olenius stated thank you.

Chairman Buzzutto stated okay.

Board Member Burdick stated thank you.

Board Member Bodor stated thank you.

Board Member Burdick stated see you soon.

Chairman Buzzutto stated okay, what else do we have on here. So we'll set the site walk up for in the evening and...

Board Member Posner stated right.

4) OTHER BUSINESS

a) Alan Steger

Board Member Bodor stated alright, we still have minutes still. Oh, there was a name on here [referring to the agenda]; Steger.

Jennifer Herodes stated yeah.

Board Member Bodor stated under Other Business we have Alan Steger.

Board Member Olenius stated I think Mr. Raines is going to fill us in on what the other business may be.

David Raines stated I asked to just have some initial discussion. I brought this to you guys I think last meeting, before got on vacation. The Steger property on Center Street, 5 Center [Street] which most of you are familiar, has been kind of a ball of contention...a problematic situation. And Mr. Steger has come before the Zoning Board at least once in the last 7 – 10 years, if not twice. Currently the property is vacant. The front portion of Front Street is a bodega, and the portion that I'm concerned about is the wood framed, I'm calling it dwelling...residence, that is currently zoned as for GB, general business, separate offices. It's zoned that way. It's not necessarily zoned into that, but that was the last rendering the Town had. And we've had some problems over the last 10 years plus of occupancy related to residential occupancy, overcrowding, to where I basically went in as Fire Inspector, prior to my roll as the Building Inspector, and we cleared the building out. We said that this isn't working; you're not following the rules and regulations. And Mr. Steger made some attempts, to the best of my knowledge, to renting the thing as four offices. With the exception of one or two groups that were in there, every time they came through in a layout, it didn't from the standpoint of either structural loading or being able to get out of the building or requirement of additional parking; there's only three designated parking spots in the existing impervious lot that's behind the building. So my last go around with Mr. Steger, I said listen, you need to make some upgrades to the building. You need to... We need to talk about how we're going to make this work to current zoning. And after denying less of a request, he came through with different clients because it wasn't going to work with that property, I said why don't we bring this back to...It's 1948...1958 of one single apartment attached to the bodega, for lack of a better term...the deli. It's not a deli, it's a dry goods store. It's all one

property. It's listed as one property, inclusive of the post office. I don't know how it got that way, but all the post office and the separate walls is one tax map property in the GB. My dilemma here is that I had gone ahead and told Mr. Steger return this back to its original use. I believe that was within my pervue. Since, corrected that by stopping Mr. Steger from making any changes to the building, advising him that I need to go back to the Zoning Board. Make a determination of what steps we need to take. I had a meeting today with Jennifer Herodes, Town Counsel, to try and discuss what path, or what avenue, I need to take, and if you could kind of...

Jennifer Herodes stated well, as we discussed, the only avenue we feel should happen at this point is to seek a use variance because the fact is that this is...To return it to it's original state, it still has a commercial...it has the post office. You need a use variance to have the mixed use in the GB district there. So it would be up to you to determine whether or not, you know, obviously he meets the criteria for the mixed use. It is a different application. I do want to point out then that that was brought up in our conversation. He did make a previous application to have permission to run 4 residential units, but that, you know...This is a different application. It may be similar in the nature that it's still a use variance for a residential use in the GB district, and a mixed use at that, so...

Chairman Buzzutto stated now we're talking about the big house in the back of the bodega there.

David Raines stated correct.

Jennifer Herodes stated right.

David Raines stated which is attached to it.

Chairman Buzzutto stated we did...

Board Member Bodor stated we denied that for four residential units.

Chairman Buzzutto stated we denied that...

David Raines stated correct.

Chairman Buzzutto stated a few years ago.

David Raines stated correct.

Board Member Bodor stated and then it was subsequently occupied.

Chairman Buzzutto stated yeah.

David Raines stated right.

Jennifer Herodes stated right.

David Raines stated and before...My reason to be before you tonight is that I need to give this client some direction. I'm, you know, telling him what he can't do, which is fine, but I need to, you know...It doesn't fit what we're telling him he can do. So by me telling him you need to have, you know, rental units in there, and as far as offices, great. But it doesn't...I continuously deny him based on the requests that have come in because based of the fact that the building's not designed for this, and we can...

Chairman Buzzutto stated well, that building there is not mixed use.

David Raines stated I'm sorry.

Chairman Buzzutto stated it's not mixed use in that building.

Board Member Bodor stated the property is.

David Raines stated but the property would become mixed use if I allowed residential in it.

Chairman Buzzutto stated I thought it was not mixed use.

Board Member Bodor stated the property itself...

Jennifer Herodes stated correct.

Chairman Buzzutto stated it's not on Front Street.

Jennifer Herodes stated it's not currently for a mixed use.

Chairman Buzzutto stated if it was on Front Street, then it would be mixed use, wouldn't it.

David Raines stated well, there's a little dilemma here because of the way the property...

Jennifer Herodes stated yeah.

David Raines stated the post office, the bodega and this part of the building are all one parcel, you know. And that's where we get...it becomes a little convoluted. And again, I'm not asking you to approve or not approve, I'm just saying...

Chairman Buzzutto stated no...

David Raines stated I need to give them, this property owner, direction, regardless of the history of we have with them. I need to give him...I can't just denying every single...I need to come up with a path here on whether he has an opportunity to come before you for a use variance to bring this back to...Again, I made an error in looking at this as, okay, I've done this with other properties. Granted they weren't in the GB, but I've done this for other properties like Shelley Fuel and several others where it was a business. It was Ryder Fuel, it was Shelley Fuel; I brought it back to a single family residence when those business moved out. Same thing with Mrs. Emmick's building on Fairfield Drive. It was a property place. She no longer now has a pottery place. I brought it back to single...So I went ahead and said, you know what, let's bring this back to the three bedroom, 2 bath residence that it was.

TAPE ENDED

David Raines stated and after discussing this with both Anthony Molé and Jennifer, they made it clear to me that that's not the...I can't do that. It's not within my...

Chairman Buzzutto stated are there any tenants in there now.

David Raines stated there's nobody in there right now.

Chairman Buzzutto stated nobody or...

David Raines stated I had him remove all the signage. He started to upgrade the electrical, which is an inherit problem regardless of what way we go with it. The electrical has to be upgraded from a building code/fire code perspective. So what I'm looking for is some direction from the Zoning Board as to whether I should send the property owner a certified letter telling him his options are: That he can come in front of the Zoning Board for a use variance. Or...And that's where it gets, you know...I don't know what the or is. And that's...

Chairman Buzzutto stated yeah.

David Raines stated kind of my problem here.

Chairman Buzzutto stated you know, I think before I make a...I would like some guidance from the attorney on the...

Jennifer Herodes stated well, you know, you're absolutely free to hear the application for the use variance, you know.

Chairman Buzzutto stated we are free to hear...This would be a new application.

Jennifer Herodes stated yes.

Board Member Bodor stated for a single-family residence.

Jennifer Herodes stated for a single-family residence.

Board Member Bodor stated that's what we're talking about.

Chairman Buzzutto stated for a complete...That's the whole house.

David Raines stated it wouldn't be a single-family...

Jennifer Herodes stated well, it's for a mixed use, but I mean that's what he's looking to do.

David Raines stated it would be a mixed use. It would be a one apartment...

Board Member Bodor stated not one apartment. Single-family residence.

Jennifer Herodes stated a single-family home. That's what you're going to do.

David Raines stated okay.

Board Member Bodor stated it's not an apartment.

David Raines stated okay. So it would be...

Jennifer Herodes stated it is a single-family home. The use variance is for it's use...

David Raines stated again...

Board Member Bodor stated no, I understand that. But it would have to be conditioned that that's a single-family residence...

David Raines stated right.

Board Member Bodor stated in that mixed usage.

David Raines stated okay. Yeah.

Board Member Bodor stated that's where...That's what...

David Raines stated just under the Building Code, single-family residence can't...In the Building Code, not the Zoning Code, but the Building Code, single-family residence can't coexist with an attached bodega, so...

Board Member Bodor stated well...But it can't be an apartment to the bodega.

Jennifer Herodes stated that's why the use variance will have two components to it.

David Raines stated right. It would be...Again, you can call it whatever you want. It would have to be one, three-bedroom, 2 bath dwelling. You know...

Board Member Bodor stated what...Alright.

David Raines stated again, single-family residence, if that's what...

Jennifer Herodes stated well, you seek a variance under two components to the use variance. Having the single-family residence in that scenario, and...

David Raines stated okay.

Jennifer Herodes stated also thereby having a mixed use because you have a single-family residence.

Board Member Bodor stated right.

Jennifer Herodes stated you want an application for two parts for it.

Board Member Bodor stated how long ago had that been a single-family residence. Because in my history, I'm thinking back it was not always occupied as office spaces. But it was office space.

Chairman Buzzutto stated and they had two apartments...three apartments...

Board Member Bodor stated no, that's more recent.

Board Member Burdick stated that's more recent.

Board Member Bodor stated that's more recent.

David Raines stated in 1980 was the last time we have on record that it was a...

Board Member Bodor stated a residence.

David Raines stated a residence and...Again, it was unoccupied due to negotiations with the Town back and forth with the...It was offered to the Town to rent. And then it was offered to the post office. Then it was unoccupied as a post office, and each time there was issues related to that, they required it to be vacant, so...The best records here are from the assessment in 1980. So from '66 to '80, it was mixed use, based on the assessor's records.

Board Member Bodor stated the interior, the way it is now, is not appropriate for office space.

David Raines stated no. Again, I don't know how it got that way. When the renovations were made...

Board Member Bodor stated yeah.

David Raines stated to...You know, we know the history of not following what the mandate was...

Board Member Bodor stated right.

David Raines stated but...Again, I'm not looking to advocate for the property owner that he should be allowed to do this. I just need to find a path that will allow him to do something with it. And I think that's, I don't want to say my responsibility, but every path that has been laid out has been a denial based on either Building Code or Zoning Code. And again, I'll make the argument when the time comes, if the time comes, why I believe that this is the best for the Town. And there are folks that don't believe that's the best for the Town.

Chairman Buzzutto stated but the way it exists now, he has a problem renting it for office space.

David Raines stated what...I don't know what he has...From a business perspective, I don't know what his problem is; why he can't. But when he comes to me with a business, he can't have that particular business in there because the building itself, the layout of the building, won't allow it based on Building and Fire Code to do that. Now in a perfect world, he could probably renovate the entire structure; bring the entire structure up to Code. I mean, that's the or.

Board Member Olenius stated would renovations be required to even bring it back to a single-family residence.

David Raines stated yes.

Board Member Olenius stated they'd still be required. Either way.

David Raines stated yeah.

Board Member Olenius stated so he's...

David Raines stated not substantial because there's a kitchen now, there's two bathrooms, there's three bedrooms. He has to move a couple of doors and put in a fire alarm system, as well as upgrade the electric which has to be done either way.

Board Member Olenius stated right.

David Raines stated again, I'm looking beyond that. I'm looking at the parking. I'm looking at signage. If the economy was great and he had four accountants, or a real estate office and an accountant, and they were allowed in the GB [Zoning District], I'm sure the same people would be sitting in this room saying we don't want four signs out there. Where are these people going to park. So, you know, I'm looking at this when he says to me, you know, I want to bring in a real estate group and occupy the whole bottom floor. And I said, well, okay. Where are they going to park. And they want to put a sign on South Street, a sign on...I'm sorry. A sign on Center [Street], on Front Street. I'm like no. You can't do that. You know. Well I want to expand the parking. No, we can't do that. You know, I need another egress. Well, we can't do that either because we have that access between the post office. Again, this is about four or five years of...Again, I don't know what efforts he's made to...and he'll have to make that argument, what efforts he's made to rent it. Not rent it. Again, I don't want to come off as his advocate, but I think we've got to come up with what's viable. And my only criticism is we made a decision collectively back whenever the decision was made to make it for rental units, we didn't look at the big picture. Even from a simply parking perspective or from signage. There's no place to put signage on that building that would be aesthetically pleasing to anyone.

Board Member Olenius stated yes.

David Raines stated you know, and these are things that keep coming up. And so, you know, it's hard to look past the history we have with this particular property owner, because that seems to be the big stigma. But, you know, I don't want to send him a letter and tell him to come for a use variance to the Zoning Board, (inaudible) to feel that they should, you know, be hearing...

Chairman Buzzutto stated yeah. We can't guide him into telling him what he should put in there.

David Raines stated no, no. Not at all. But I need to tell him what he can...what his...I keep denying applications, and I need to tell him what he can or can't do. Not what he can have in there, but he can come in for an application, or he can't. And, you now, unfortunately he bought a building he can't...And, you know, if that's what I have tell him, I have to tell him. He bought a building that he can't utilize.

Board Member Bodor stated but he didn't just buy it yesterday.

David Raines stated no, I'm not...Again, I'm not...

Board Member Bodor stated that's the other thing.

David Raines stated I don't have a problem telling him that. So if the ZBA doesn't want to...or doesn't feel that they...I don't know Jennifer. If there's a legal path there that they don't...they can't hear or don't need to hear, then I'll tell him that. I'm not...

Jennifer Herodes stated no. It is a different application technically.

Board Member Bodor stated yes.

Board Member Posner stated he has the right to bring it.

Jennifer Herodes stated he has the right to bring it.

Board Member Posner stated I think he has the right to bring it and I think we should listen to it. Whether we grant it is a different thing.

David Raines stated right. Absolutely.

Jennifer Herodes stated right. Whether he meets your criteria (inaudible – too many talking).

Chairman Buzzutto stated well, we wouldn't have much choice if he...

Board Member Posner stated but we certainly should hear him.

David Raines stated and that's really all I'm looking for, is some direction so...I mean, I'm in the same predicament with N.R.A. We told them seven times what they can't do at N.R.A., and I'm stuck with an occupancy that's illegal. So same thing here. I need a path to at least give him options. And if he gets denied, we already know he can't have four apartments. And if we tell him he can't have residential, he can't have residential. It won't be the first person that had to bulldoze a building and start over.

Board Member Bodor stated exactly.

David Raines stated you know, so...

Board Member Posner stated yeah.

David Raines stated but rather than having this hanging over my office, we'll give him an affirmative or a negative. And then, you know, he can make a decision. You know.

Board Member Posner stated no, I agree. I think we need to listen to him whether we...

David Raines stated and that's all I'm looking for. And I think that everyone in their neighborhood would have an opportunity to put their two cents in.

Board Member Posner stated yes.

David Raines stated you know. Because, like I said, I can approve some of these marginally related GB [Zoning District] applications, but we're going to get phone calls that cars are parked up and down Center Street. Or there are signs out there that are lit up or backlit, and I know it's going to be the same...you know. I mean, there's concerns about overcrowding as far as residential, there's concern about water usage, septic usage. And I want all of that to be brought up, if he chooses too. If he chooses not to come before you, then that's it. He'll get a letter that says, you know, the building's vacant and you'll get it inspected every two years and that's it.

Chairman Buzzutto stated tell him his option. He can bring an application to us and we can review it. That's all, and decide then.

David Raines stated I will fully explain to him that the application can not be for the...he was already denied...

Board Member Posner stated when he was denied, yeah.

David Raines stated you know, and I'll send a (inaudible – too many talking).

Board Member Posner stated the original.

Board Member Bodor stated it has to be different.

Board Member Posner stated yeah.

David Raines stated so he doesn't misunderstand and think that he could come in for anything other than, you know...

Board Member Bodor stated it has to be a different application.

David Raines stated right. That's all I wanted.

Board Member Posner stated thanks Dave.

Board Member Burdick stated thanks Dave.

Chairman Buzzutto stated okay.

Board Member Posner stated okay.

Chairman Buzzutto stated that's it. Was that the other business.

Board Member Bodor stated that was the other business.

Board Member Posner stated that was the other business.

Board Member Bodor stated that was the other business.

b) Minutes

Board Member Bodor stated then we have minutes from July 21st...

Chairman Buzzutto stated okay.

Board Member Bodor stated 2008. Everybody read the minutes.

Board Member Olenius stated I read them online.

Board Member Bodor stated okay. I make a motion to approve.

Board Member Posner stated second.

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

Board Member Bodor stated we're done.

c) Site Walk

Board Member Bodor stated now, site visit.

Board Member Olenius stated we're going to do them both the same night.

Board Member Bodor stated I think we could do them together.

Board Member Burdick stated I think we could.

Board Member Posner stated we should be able to, as long as it's not a Tuesday. As long as...Sarah please email me. I'm terrible.

Board Member Burdick stated (inaudible) after this week.

Board Member Bodor stated I'm sorry.

Board Member Burdick stated be after this week.

Board Member Bodor stated be after this week, sure.

Board Member Burdick stated this week is...

Board Member Olenius stated Labor Day weekend, right.

Board Member Burdick states yeah.

Board Member Olenius stated yeah.

Board Member Burdick stated some time next week maybe.

Board Member Posner stated yeah. Wednesdays, Thursdays, Fridays.

Board Member Bodor stated let's go into September.

Board Member Posner stated that's scary, September.

Board Member Bodor stated alright. Does somebody have a preference or not.

Board Member Olenius stated Wednesday or Thursday would be better for me. Friday's my daughter's birthday.

Board Member Bodor stated the 3rd or 4th your talking.

Board Member Olenius stated yes. You said Tuesday was bad for you also.

Board Member Posner stated yes. Tuesday only because I'm suppose to work late, but...

Board Member Olenius stated yeah.

Board Member Bodor stated alright.

Board Member Olenius stated it's the first day of school. I'm just afraid at what might happen. I might not get out on time.

Board Member Posner stated you know, Friday's not good for me and Saturday.

Board Member Bodor stated is it the first day of school Wednesday. No.

Board Member Olenius stated no, Tuesday.

Board Member Bodor stated the kids come in on Tuesday.

Board Member Olenius stated the freshmen are coming in tomorrow.

Board Member Posner stated geez.

Board Member Bodor stated oh my.

Board Member Posner stated that's so mean.

Board Member Bodor stated wow.

Board Member Posner stated that's mean. That really is.

Board Member Bodor stated alright. The 3rd of what.

Chairman Buzzutto stated of what. September.

Board Member Bodor stated September. The 3rd is Wednesday and the 4th is Thursday. Which one works.

Chairman Buzzutto stated either one for me.

Board Member Bodor stated okay. Well, choose one.

Board Member Posner stated it doesn't make a difference to me.

Board Member Burdick stated either one is fine.

Board Member Bodor stated Thursday the 4th.

Board Member Posner stated okay. Thursday...

Board Member Olenius stated done.

Board Member Posner stated 9/4. At what time.

Board Member Bodor stated time Marianne.

Board Member Burdick stated 4:15 p.m. Is that okay for you, or is that...4:30 p.m.

Board Member Posner stated 4:30 p.m.

Board Member Burdick stated 4:30 p.m. That's fine.

Board Member Bodor stated and where will it start.

Board Member Olenius stated and this is at Sonnet [Lane] right. We're starting at Sonnet [Lane].

Board Burdick stated you want to start at Sonnet [Lane].

Board Member Olenius stated I think that's the easier one.

Board Member Bodor stated yeah.

Board Member Olenius stated right.

Board Member Posner stated yeah. We'll do Sonnet [Lane] first.

Board Member Bodor stated yeah. I'm going to want and go shower after the tick walk.

Board Member Olenius stated yeah, exactly. I'm going to want to get in and out of my car as quickly as possible.

Board Member Posner stated okay. So Thursday at 4:30 p.m.

Board Member Olenius stated yes.

Board Member Bodor stated you go up [Route] 311. Before Birch [Road]...Before Brickhouse [Road] on [Route] 311.

(Inaudible – too many talking).

Board Member Bodor stated you go beyond my house.

Board Member Burdick stated coming off Cornwall Hill [Road], beyond your house.

Board Member Bodor stated yes.

Board Member Burdick stated okay.

Board Member Bodor stated don't go as far as (inaudible – too many talking). The road before Brickhouse [Road] on the right.

(Inaudible – too many talking).

Board Member Posner stated is it on the right or the left. It's on the left.

Board Member Olenius stated leaving here it's on the right.

Board Member Bodor stated what.

Board Member Posner stated going this direction.

Chairman Buzzutto stated it's just passed where Mike Montesano lives.

Board Member Bodor stated yes.

Board Member Posner stated yeah, right. Sonnet Road. What am I thinking. What's that...Oh, Shirley [Road] I'm thinking. Shirley [Road].

Board Member Bodor stated that's on the left.

Board Member Posner stated that's on the left. Okay. I got that confused. Okay.

Chairman Buzzutto stated we'll do Sonnet [Lane] first.

Board Member Bodor stated yeah we'll do Sonnet [Lane] first.

Board Member Posner stated do Sonnet [Lane] first and then...

Board Member Bodor stated and then we'll head out to [Route] 22. And we're not going to walk every inch of [Route] 22.

Chairman Buzzutto stated no, no.

Board Member Posner stated 9 acres, why not.

Board Member Bodor stated I want to stay on Ballyhack [Road] and Old [Route] 22 and just look up there.

Chairman Buzzutto stated yeah.

The Secretary stated what time do you think you might get to Cipriano. Like 5:15 p.m.

Board Member Burdick stated between 5:00 and 5:15 p.m. I would think.

Board Member Bodor stated oh yeah.

Board Member Burdick stated I would say 5:00 p.m.

Board Member Posner stated 5:00 p.m. is probably better.

Board Member Bodor stated closer to 5:00 p.m.

Board Member Burdick stated because we're only going to be at the other one for 15 minutes at most.

Board Member Posner stated yeah. It shouldn't take that long.

Board Member Bodor stated closer to 5:00 p.m.

Chairman Buzzutto stated okay. So we're going to meet at Sonnet [Lane] at what, 4:30 p.m.

Board Member Bodor stated 4:30 p.m.

Chairman Buzzutto stated 4:30 p.m.

Board Member Bodor stated okay, anything else.

Board Member Burdick stated you'll send out an email reminding us.

The Secretary stated yes.

Board Member Bodor stated motion to adjourn.

Board Member Posner stated second.

Meeting was adjourned at 8:52 p.m.