

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
September 17, 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
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**Zoning Board of Appeals
September 17, 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 7:01 p.m.

Chairman Buzzutto led the salute to the flag.

Approximately 7 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) ELAINE & DALE KIRKLAND CASE #07-08

Mrs. Elaine Kirkland was present.

Chairman Buzzutto stated alright, 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 Wednesday, September 17, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Elaine and Dale Kirkland Case #07-08 – Area Variances; Held over from the August 25, 2008 meeting

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 Elaine and Dale Kirkland. Good evening.

Mrs. Elaine Kirkland stated good evening.

Chairman Buzzutto stated you heard the readout on that. Is there any changes in anything that you...

Mrs. Kirkland stated no.

Chairman Buzzutto stated have other than what's on that.

Mrs. Kirkland stated no there is not.

Chairman Buzzutto stated okay. Everything is the same on it. We did do a site walk on this particular piece of property. It was very well staked out; very well. And we could...Not already [referring to baby crying].

The Secretary stated no.

Chairman Buzzutto stated okay, where was I. Okay. Do you have any...

Board Member Bodor stated well, the Applicants made a very wonderful effort...

Chairman Buzzutto stated yeah.

Board Member Bodor stated to show us exactly what they wanted to do and did have their rear line staked out, and also the proposed location for their new garage. Just for the record, there is more property on the other side of the house. Why could you not put the garage on the other side. As you're facing the house to the right, in the back corner. What's over there that's prevented you from putting a garage over there.

Mrs. Kirkland stated we would need variances over there, too, because the house is so far back in the property and it would require a lot more; Extension of the driveway and other...

Board Member Bodor stated and where is your septic located.

Mrs. Kirkland stated it is on that side.

Board Member Bodor stated okay. And you couldn't put it there for that reason.

Mrs. Kirkland stated yeah. No.

Board Member Bodor stated and where you wish to locate it is right off of the current (inaudible) area. The one concern that we did have, and we discussed it with you, is the fact that it's pretty close to the side of the property where there was a drop-off.

Mrs. Kirkland stated yes.

Board Member Bodor stated and what are your plans for keeping the garage up there, as opposed to letting it float downhill.

Mrs. Kirkland stated we had the excavator come over again, and I believe you received an updated version of that, and he explained what kind of boulders he was going to use in the step-up kind of arrangement. I know nothing about excavating, and I'm trusting him. Steve Webster is the excavator, and he said, as he was out again after your visit, that there should be absolutely no problem with that side.

Board Member Bodor stated and I see he has provided us with an explanation of how he is going to handle that. Lars, I'm not familiar with this type of construction either. You would have a better read on it. Does this sound appropriate.

Board Member Olenius stated it sounds appropriate. My only concern is stepping back as the land rises there. I didn't notice that there was that much on the sideline to do a lot of stepping back. Did he, by any chance, bring out a transit or a level.

Mrs. Kirkland stated no. Just a measuring tape.

Board Member Olenius stated just measuring tapes.

Mrs. Kirkland stated yeah.

Board Member Olenius stated did he happen to mention how tall this retaining wall upon completion might be.

Mrs. Kirkland stated no.

Board Member Olenius stated okay.

Chairman Buzzutto stated (inaudible) at the ground level.

Board Member Olenius stated yeah. I'm just wondering how much that is before you get to ground level. That's what I was...

Mrs. Kirkland stated it's less in the back part than it is in the very front.

Board Member Olenius stated right. The way the property slopes.

Mrs. Kirkland stated the way the property slopes.

Chairman Buzzutto stated okay.

Board Member Bodor stated and the reality is on that front part of the garage to that property line, is 9'. So we're not talking about the structure being right on where that drop-off is.

Board Member Olenius stated correct. That's true.

Board Member Bodor stated and it's further from the property line in the back from the back of the garage to the sideline.

Board Member Burdick stated and the property line is actually down the embankment...down the slope.

Mrs. Kirkland stated yes.

Board Member Bodor stated yeah.

Board Member Burdick stated it's not along the side of the...The property line isn't actually 9', the level part of it.

Mrs. Kirkland stated right.

Board Member Bodor stated right.

Board Member Burdick stated it's sloped down. So I'm assuming that's where they're going to be doing the stuff.

Chairman Buzzutto stated we've got 9' on this one here. You got 9'...

Board Member Olenius stated yeah.

Board Member Bodor stated yeah. That's on the front part of it.

Chairman Buzzutto stated I'm sorry.

Board Member Bodor stated yeah. Right there.

Chairman Buzzutto stated that separates the garage from boulders really.

Board Member Bodor stated from the sideline.

Chairman Buzzutto stated sideline, yeah. That seems to be sufficient.

Board Member Olenius stated well I'm happy to see it's boulders and nothing...It will look more natural than the precast construction.

Board Member Bodor stated and the 9' should be enough to stabilize that land, no.

Board Member Olenius stated it should. I just can't...I asked...I was asking about the laser citing just because I can't recall, honestly, how steep the drop-off was.

Board Member Bodor stated yeah.

Board Member Olenius stated I remember it being less, but...

Board Member Bodor stated right.

Mrs. Kirkland stated so we're trusting him.

Board Member Olenius stated no, you should. I'm trying to bring a picture back into my mind of that. I'm not going to sleep.

Chairman Buzzutto stated would it be inconvenient to bring it above the ground level. Maybe a foot above.

Board Member Bodor stated (inaudible – too many talking) slope. It is pretty steep.

Board Member Olenius stated no. I don't even, honestly, recall that it would need that much. I don't remember... It was a relatively steep drop-off, but it wasn't for a long period of time. It shallowed out rather quickly, as I recall. I'm correct on that.

Mrs. Kirkland stated yes.

Board Member Olenius stated the reality is that it may only require one layer.

Chairman Buzzutto stated alright, so we'll...

Board Member Olenius stated oh, this is just preparation of the base prior to the construction of the building. Okay. This is totally separate from the...

Mrs. Kirkland stated right.

Board Member Olenius stated I didn't look that far down. He's basically providing a level surface on which to construct the...

Mrs. Kirkland stated pole barn.

Board Member Olenius stated pole barn. So obviously the boulders couldn't be in the scope of the pole barn pad, because they wouldn't be able to get the poles down in the ground.

Chairman Buzzutto stated well, they're going to be stepped back in this, you know...

Board Member Olenius stated right. And they must be far enough away so they can still take the poles...

Chairman Buzzutto stated yeah. Okay.

Board Member Olenius stated so they would the length of the pole.

Chairman Buzzutto stated that's right. Okay.

Board Member Bodor stated there's a lot of topsoil coming in there, to my way of thinking. Forty yards sounds like a lot to me to fill in with, right.

Chairman Buzzutto stated well...

Board Member Bodor stated yes, no.

Chairman Buzzutto stated I don't know how far it goes when you start packing it though.

Board Member Bodor stated I don't know.

Board Member Olenius stated what is all that top soil for actually.

Mrs. Kirkland stated the land right there is not level.

Board Member Olenius stated oh, that's going to be used to fill in around the boulders. The retaining wall.

Mrs. Kirkland stated and under where the pad will be.

Board Member Bodor stated oh, okay.

Mrs. Kirkland stated it's not just on the side.

Board Member Olenius stated and then stone on top of that.

Mrs. Kirkland stated yes.

Board Member Olenius stated prior to the slab.

Mrs. Kirkland stated right.

Chairman Buzzutto stated and this is 30' of...

Board Member Bodor stated 30' x 33' x 6" of stone.

Chairman Buzzutto stated that's good size stone though, for a (inaudible).

Board Member Bodor stated 30' x 33' of stone for the slab. That's not 6" stone...

Board Member Olenius stated 6" thick.

Board Member Bodor stated 6" thick.

Chairman Buzzutto stated I mean 6" thick. Yeah.

Board Member Olenius stated they do it around the perimeter of the building as well, you know, just until the construction's done. Mr. Raines, could I call you to the floor front for a moment.

David Raines stated absolutely.

Board Member Olenius stated please.

David Raines stated sorry. I was out doing inspections.

Board Member Olenius stated that's okay.

David Raines stated it was the Burdick family, all of them.

Board Member Burdick stated not me.

David Raines stated not you.

Board Member Olenius stated I don't know if you've seen this scope of work from Land Works regarding the retaining wall for the Kirklands. Peruse that just for a minute, I just want to...

David Raines stated is it on the left side of the driveway.

Mrs. Kirkland stated yes.

David Raines stated how did we get to a 30' x 33' pole barn.

Mrs. Kirkland stated no.

Board Member Olenius stated I think that's just the prep area...

David Raines stated oh.

Board Member Olenius stated that the excavating...

Mrs. Kirkland stated it's 22' x 30'. The pole barn has not grown.

David Raines stated well, it's still a 30' x 33' pole barn pad. What we're kind of missing here is the other (inaudible – cell phone ringing) to the wall.

Board Member Olenius stated that's why I'm asking. Because I did site walk the property, and I remember the slope tailed of rather sharply, and then somewhat leveled out, but I...

David Raines stated well, that's what (inaudible – too distant) the wall system would have to be benched. We couldn't just do a...

Board Member Olenius stated now, once exceed a certain height limit on that, aren't we required to submit plans.

David Raines stated four feet. Unless we bench it. You know, 2', bench it back, and then we go up 2'. I mean...

Board Member Olenius stated okay.

David Raines stated I'm guessing 4'. I don't know what the total elevation...

Chairman Buzzutto stated does that (inaudible). Or is that different.

Board Member Olenius stated that's different. He's benching the steps back.

David Raines stated go up, you know, bench it.

Board Member Olenius stated as opposed to bringing like a vertical wall in.

Chairman Buzzutto stated that gives you more security, to push...

David Raines stated much more stability, plus you can revegetate it.

Chairman Buzzutto stated oh, okay.

Board Member Olenius stated and that doesn't require plans when you bench.

David Raines stated (inaudible – too distant) I'm not going to get into means or methods.

Board Member Olenius stated no, I know.

David Raines stated that's crossing the line, but I would think the preferred method would be to bench set, so you would come up and...It's approximately 4' at changing elevation that I ever (inaudible – too distant) and I walked it twice with the Kirklands.

Board Member Olenius stated that's about all that I recall as well, and I knew that it was different from one end to the other. One end was steeper than the other end. But...

David Raines stated correct. The steepest part is right where the blacktop ends and the backyard starts.

Board Member Bodor stated right.

David Raines stated that's the greatest elevation. And it tapers down as you go towards the road, and it tapers almost to zero as you back, because the neighbors in the back are almost at grade...

Board Member Olenius stated okay. So it's kind of...

David Raines stated at one spot. When they brought up the driveway to match the foundation, initially when they built the house, that's the steepest part...

Board Member Olenius stated I think that corner is where I recall standing and looking down.

David Raines stated yes, yes.

Board Member Olenius stated and seeing that. I think that was when I brought the question up about the retention...

David Raines stated yes.

Board Member Olenius stated what was going to be brought in there.

David Raines stated it's not a very big wall. I mean, it's only a section that's really tapered. It's tapered to grade towards the back and towards the front, as I would think. Rather...

Board Member Olenius stated right.

David Raines stated it's a wall or a wall system.

Board Member Olenius stated I prefer the boulder system anyway because I think it looks more natural.

David Raines stated right.

Board Member Olenius stated that's just me speaking from...

David Raines stated step it back rather than just stacking boulders. Stack them and, you know, step it back.

Board Member Olenius stated does Land Works do a lot of work within the town.

David Raines stated they do, you know...I wouldn't say...They're always doing a lot of work. But yeah. They do work within the town.

Board Member Olenius stated so they would be aware of requirements if they...

David Raines stated oh yeah.

Board Member Olenius stated were going to build it straight up.

David Raines stated yeah, absolutely. Based on the price, I don't see it being...If I looked at what the price per cubic foot would be, this isn't a very big wall that they're building.

Board Member Olenius stated I didn't think so either for that...

David Raines stated (inaudible – too many talking).

Board Member Olenius stated that's a really nice number...

David Raines stated yeah.

Board Member Olenius stated the way I looked at it.

Mrs. Kirkland stated we liked it.

Board Member Olenius stated yeah, I'm sure.

David Raines stated they left a lot of information out, but it was probably just a quick and dirty...

Mrs. Kirkland stated he did come out (inaudible). He came out again and looked it over again.

David Raines stated okay.

Chairman Buzzutto stated okay.

Board Member Olenius stated thank you Mr. Raines.

David Raines stated you're welcome.

Board Member Bodor stated I will say too that the rear of the property is wide open. This would not interfere with any of the neighbors in the back...

David Raines stated no.

Board Member Bodor stated because the wide open space almost appears like a common space, even though we know it is owned by an adjoining landowner. And the side yard, there is a whole line of mature trees there...

Mrs. Kirkland stated yes.

Board Member Bodor stated that do provide privacy and screening...a buffer for the property that is adjoining on the side there. The house that is set quite a distance in.

Chairman Buzzutto stated there is nothing on the back of that property that would require fire equipment to get back there. Nothing back there.

Mrs. Kirkland stated no.

Chairman Buzzutto stated okay, it's wide open.

Board Member Bodor stated no. And they've kept the 15' from the main structure...

Chairman Buzzutto stated yes.

Chairman Buzzutto stated so that they can have access to the back.

Chairman Buzzutto stated okay, so let's...Very good. Do we have any input from the audience on this particular case here. Do you want to come up and give your name sir.

Luigi Ilardi stated Luigi Ilardi. I'm a neighbor on the side property of the garage.

Board Member Bodor stated you're the property that faces on [Route] 311.

Luigi Ilardi stated yes.

Board Member Bodor stated okay. The old (inaudible) house.

Luigi Ilardi stated yes.

Board Member Bodor stated okay.

Luigi Ilardi stated I would just like to get a better description of how the retaining wall...where it's going to start, where it's going to end, and how high it will be from the actual property line. Not the ground, but the property line. Because the property line is about 4' below the actual level of where the house is going to be.

Board Member Olenius stated yes. That's kind of what I was trying to work out in my mind too through my line of questioning there. The best that we can gather without a drawn up print, and I think it's because it's going to be an as-built what they find...

David Raines stated if I can help out a little bit. Just so you understand sir, they still have to submit plans and they have to be reviewed by me. If the variance is approved, they still have to...the Kirklands will still have to come in, and submit plans, and the plans would have to be reviewed and approved. So, the fact that we don't have the design plans isn't really, you know, an issue here. It's more of an issue with the Building Department.

Luigi Ilardi stated okay, so you still...

David Raines stated same thing with the building itself. We'd still have to approve the plans to the building if the variances were issued.

Luigi Ilardi stated okay, so...

David Raines stated as long as you understand that. And that's why they don't need the whole packet, so to speak, they only need to understand more so the footprint.

Luigi Ilardi stated okay. Well my understanding was that okay, the approval would be, at this point, given tonight assuming you have all the plans and the exact structure of the garage. So, I was under the...

David Raines stated but what I was trying to explain to you is that they still would have to come in with engineered plans. They still would have to come in with a wall system that would have to be reviewed and approved to make sure that it would be going to be stable and that, you know, aesthetically pleasing and whatnot. And I'd have to adhere to whatever requirements they put on the approval.

Luigi Ilardi stated alright.

David Raines stated okay.

Luigi Ilardi stated okay. Thanks.

Board Member Bodor stated this is just like the first step in this process. Because of the shortened sideline, they need the permission to even consider putting their structure where they wish to put it. If we give that, then as the Building Inspector says, it has to go to him...well, the Building Department, for approvals.

Luigi Ilardi stated okay. Now as far as I know of, as it states in the letter, the area had to be 20 feet from the actual property line to the beginning of the garage.

Board Member Olenius stated correct.

Luigi Ilardi stated okay. I get the feeling, or the sense that, you guys are okay with approving the size of the garage and the minimum space between the side and the garage. I would like to understand how that decision is coming about, considering that the law is 20 feet from the (inaudible) and not 9 [feet] as it would be.

Board Member Bodor stated this Board was created to...

Chairman Buzzutto stated they're asking for 11', right.

Board Member Bodor stated yeah.

Chairman Buzzutto stated from what I understand.

Board Member Bodor stated this Board is created to grant relief to property owners where it's appropriate. Many of the zoning code regulations pre-exist today's rules. Homes were built...For instance my own home is built on a piece of property that could have never been built on by today's standards. So if I want to put a 2' extension on my house, I have to come and get a variance. It's not my fault. It's just that through the years, things have changed.

Luigi Ilardi stated right.

Board Member Bodor stated and sizes of properties, the rules to say that the property has to be larger, and that you have to have so many more feet between this, that and the other thing. So we're here to grant the home owner where it seems that, you know, it's an appropriate action to take. We don't always grant that relief because it's a self-created problem and you knew it when you bought it that you couldn't do this, so don't come and ask us. Or you built it without asking our permission. You never should have, so now take it down. I mean, we go that route too. But that's what our purpose is; is to look at situations, perhaps your own property at some point in time you want to do something and by today's regulations you can't without permission. And we're the Board that you would have to come to. And if we see that it's something that's not going to have a real big impact, a negative impact, on the surrounding area, then we're apt to saying alright. But we also could put conditions on it.

Luigi Ilardi stated right.

Board Member Bodor stated we could tell you, you could build your garage 60' x 60', but you could only go up 10'.

Luigi Ilardi stated right.

Board Member Bodor stated whatever the situation may be. So that's how, you know, these things can happen.

Chairman Buzzutto stated well, we never allow a variance to go into other people's property. It's always got to stay within their side...

Luigi Ilardi stated right.

Chairman Buzzutto stated I mean, so that never happens.

Luigi Ilardi stated I understand that.

Board Member Bodor stated we have a lot of what we call pre-existing, nonconforming structures.

Luigi Ilardi stated yeah, my house is old too, so I know these things well.

Board Member Bodor stated okay. And we see a lot of, you know, people wanting to put a deck on the back of the house. Well, you know, you can't because you don't have enough property. Come and see us. We'll see if you can work with us. And we like it when people work with us.

Luigi Ilardi stated sure.

Board Member Bodor stated they don't always get exactly what they ask for either. We may tell them, you can't do that. Take off 2'. What do you think about putting it back here. That's why we go out to the property too, to see what's going on; what the neighborhood is like and where different things are on the property.

Luigi Ilardi stated okay.

Chairman Buzzutto stated very well explained.

Board Member Bodor stated does that help.

Luigi Ilardi stated yes it does. Thank you very much.

Board Member Posner stated thank you.

Chairman Buzzutto stated thank you for your questions. Alright, do we have anything else on this particular...Any changes (inaudible). Is there anybody else in the audience that...No. Okay. Do you have anything on this one.

Board Member Olenius stated no.

Chairman Buzzutto stated did we get the...Oh, I didn't close the public hearing.

Board Member Bodor stated not yet. Make a motion to close the public hearing.

Board Member Olenius stated second.

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

Chairman Buzzutto stated the public hearing is now closed. Lars will read...

Board Member Bodor stated does someone have something, because I don't have...Okay. I now have one.

Chairman Buzzutto stated okay, now I've got one too. Which one is this one here.

Board Member Bodor stated I have a resolution which I will work with. Okay, we all ready. Lars do you have one to read.

Board Member Olenius stated I'm not sure if it's the right one now that I'm looking.

Chairman Buzzutto stated oh, here it is.

Board Member Bodor stated yes, this includes both the site walk too.

Board Member Olenius stated oh, okay.

Board Member Bodor stated it's attached to the proposal; the Land Works one.

Board Member Olenius stated and this size is correct right. 22' ...

Board Member Bodor stated are you going to read it.

Board Member Olenius stated no. You are more than welcome to read it. I just want to make sure I'm reading the right one.

Board Member Bodor stated I'll start. Okay.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Elaine and Dale Kirkland, Case #07-08
For Area Variances for Construction of a Detached Garage

WHEREAS, *Elaine and Dale Kirkland are* the owners of real property located at 11 Sonnet Lane (R-4 Zoning District), also identified as **Tax Map Parcel # 13.7-1-6, and**

WHEREAS, *Elaine and Dale Kirkland have* 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 a 22' x 30' two-story, detached garage, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback in the R-4 Zoning District; Applicant can provide 9'; ***variance requested is for 11'±***, and

WHEREAS, §154-7 of the Patterson Town Code requires a 25' rear yard setback in the R-4 Zoning District; Applicant has 16'; ***variance requested is for 9'±***, 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 August 25, 2008 and September 17, 2008, and a site walk was conducted on September 4, 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 this property and the location of the proposed garage is set back well behind trees, which are screening from the roadside, and way back on the property from the road...***

Chairman Buzzutto stated cannot be seen from Sonnet Lane.

Board Member Bodor stated well, that's the road, Sonnet [Lane].

Board Member Bodor continued to read the following resolution:

It cannot be seen from Sonnet Lane at all due to screening and the fact that the building is so far back from Sonnet Lane.

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the only other open area that the garage possibly could be located on contains the septic fields, and the structure can not be placed on those septic fields.*
3. the variance requested *is* substantial *because on the side yard a variance of 11 feet and the rear yard is 9 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 again, the structure is set so far back off the road and is well screened.*
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 *Elaine and Dale Kirkland* for an *area variance of 11'* from the side yard setback of 20' as required in the R-4 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Regulations, in order to permit a 9 yard side yard setback between the 22' x 30' two-story, detached garage and the side property line, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Elaine and Dale Kirkland* for an *area variance of 9'* from the rear yard setback of 25' as required in the R-4 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Regulations, in order to permit a 16' rear yard setback between the 22' x 30' two-story, detached garage and the rear property line.

All this conditioned by:

1. Proper approvals from the Planning Department for the retaining wall that needs to be placed to prevent...

Board Member Olenius stated Building Department.

Board Member Posner stated Building Department.

Board Member Bodor stated what did I say.

Board Member Posner stated planning.

Board Member Olenius stated planning.

Board Member Bodor stated oh.

Board Member Bodor continues to read the following resolution:

By the Building Department to prevent any type of movement of the land that will be built up at one point beneath the structure.

Chairman Buzzutto stated did you say 9 yard setback. Did that get into the computer.

Board Member Bodor stated nine side yard setback.

Chairman Buzzutto stated did you say 9 yard though. It would be 9 feet, right.

Board Member Bodor stated yes. I'm sorry.

Chairman Buzzutto stated okay.

Board Member Bodor stated I'm sorry.

Chairman Buzzutto stated it's okay.

Board Member Bodor stated I was winging it.

Board Member Posner stated second.

Chairman Buzzutto stated any questions on that.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay. Okay, go down to the Building Department whenever.

Mrs. Kirkland stated and start again.

Chairman Buzzutto stated I'm sorry.

Mrs. Kirkland stated and start again with the plans, right. Okay, thank you very much.

Chairman Buzzutto stated okay, thank you.

Board Member Bodor stated you're welcome. Good luck.

Mrs. Kirkland stated thank you.

Chairman Buzzutto stated okay.

Board Member Bodor stated Cipriano.

2) **PETER CIPRIANO JR. CASE #08-08**

Mr. Peter Cipriano Jr. was present.

The Secretary read the following notice:

Peter Cipriano Jr. Case #08-08 – Special Use Permit; Held over from the August 25, 2008 meeting

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).

Mr. Peter Cipriano Jr. stated good evening.

Chairman Buzzutto stated okay. Good evening. Your name sir.

Mr. Cipriano Jr. stated Peter Cipriano Jr.

Chairman Buzzutto stated and you want to raise your right hand sir. Do you swear the testimony you provide tonight will be the truth, the whole truth, so help you god.

Mr. Cipriano Jr. stated I do.

Chairman Buzzutto stated okay, fine. Alright. What do you have in mind. You heard the readout on that.

Mr. Cipriano Jr. stated a multiuse retail facility...

Chairman Buzzutto stated take the mic over to the board, and point out...

Mr. Cipriano Jr. stated we're proposing a multiuse retail facility with offices, retail sites, greenhouse and grocery.

Chairman Buzzutto stated okay. We did do a site walk on this property...

Mr. Cipriano Jr. stated yes.

Chairman Buzzutto stated last week or two weeks ago.

Mr. Cipriano Jr. stated my maps a little messy, I'm sorry [referring to the plans on the board].

Chairman Buzzutto stated I'm sorry.

Mr. Cipriano Jr. stated this is the map I walk around with. I'm sorry, it's a little messy.

Board Member Bodor stated it got a little damp in the tree...the brush. Thank you for meeting us out there and explaining to us exactly where and what was going on. That was good.

Mr. Cipriano Jr. stated no problem.

Board Member Bodor stated and I'm sorry that we didn't walk all the way back in the woods with you, but...

Mr. Cipriano Jr. stated that's okay.

Chairman Buzzutto stated I wanted to go, but the rest of them didn't.

Board Member Bodor stated right.

Mr. Cipriano Jr. stated I didn't get poison ivy, miraculously.

Board Member Bodor stated good, good.

Mr. Cipriano Jr. stated I was very lucky.

Board Member Bodor stated and no ticks.

Mr. Cipriano Jr. stated that's... We don't know that yet. So far I haven't found any, but you never know.

Board Member Bodor stated okay. Alright.

Chairman Buzzutto stated okay. What's going to exist in this particular... Is it like a small shopping center, or a...

Mr. Cipriano Jr. stated yeah.

Chairman Buzzutto stated or a...

Mr. Cipriano Jr. stated a small shopping center. The goal is to have a grocery, a café, four retail units; two larger and two smaller. Two 1,200's and two 600's [square feet]. And on the second levels, have some offices. Hopefully architecture firms or engineering firms. Or something that can sort of tie into, I guess, landscaping and architecture.

Chairman Buzzutto stated when you say groceries, you mean big...

Mr. Cipriano Jr. stated well, it's only... It's kind of small. It's 4,800 square foot.

Chairman Buzzutto stated a deli or something like...

Mr. Cipriano Jr. stated yeah. Like deli where you can pick-up lunch and sit outside, eat it. But you can also pick-up some things on the go.

Chairman Buzzutto stated okay.

Mr. Cipriano Jr. stated hopefully a produce, grocery. And hopefully local produce if possible. We'll see.

Board Member Bodor stated but the anchor...the main part of this, is a nursery. Not nursery school, a greenhouse and nursery.

Mr. Cipriano Jr. stated yeah. The main part of it is to be a retail garden center...

Board Member Bodor stated right.

Mr. Cipriano Jr. stated facility. And in order to get people to come in offseasons, and through the summer, we need to tie in other things as people are in a rush constantly. So prepared foods and coffee shop...I mean they'll stop and stroll instead of going somewhere else like Home Depot which is more convenient.

Chairman Buzzutto stated yeah.

Board Member Bodor stated and do you have experience, personal experience, in this type of business.

Mr. Cipriano Jr. stated we do. I run my parents garden center on Long Island. And our biggest competition is more and more the grocery store selling flowers.

Board Member Bodor stated oh, okay.

Mr. Cipriano Jr. stated so taking away...That's why we want to tie it in and have them come to our place to buy that as well as their groceries if they would...

Board Member Bodor stated okay. You run your parents place. And if this goes through, you would be up here.

Mr. Cipriano Jr. stated yeah. I would be...

Board Member Bodor stated this would be your deal.

Mr. Cipriano Jr. stated this would be my project.

Board Member Bodor stated okay.

Mr. Cipriano Jr. stated and I actually would probably live...I would end up living right up the street and taking this forward and hopefully doing well with it.

Chairman Buzzutto stated how do you fair with the competition like Berkshire, Petersen's, Poppy's.

Mr. Cipriano Jr. stated there are competitors up here.

Chairman Buzzutto stated yeah.

Mr. Cipriano Jr. stated I think it would be a different sort of a feel...I worked in a lot of different garden centers. I worked in England for a year at the top garden center. I've worked in several different nurseries and found out what different places do, and I notice up here, it's a lot different than what we do in other places; and there's a lot of successful...They're probably successful just as our place on Long Island is successful, which is kind of a scaled down garden center. But I find a lot more success in garden centers that get into other things, not just a stand only garden center.

Chairman Buzzutto stated yeah. Well, the garden center, does that include planting on foundations and stuff like that for homeowners.

Mr. Cipriano Jr. stated generally it does. Generally it...

Chairman Buzzutto stated so you're going to do the whole bit.

Mr. Cipriano Jr. stated yeah, you could do all of that and most likely at the beginning, you usually start that way, and it depends if your garden center retail is successful enough. A lot of the better garden centers have just dropped landscaping end off because it's too much of a headache. But usually they start that way because they need to make enough money to keep the place going.

Chairman Buzzutto stated let's see. I asked you if there was going to be a traffic light there, and you said you didn't think so.

Mr. Cipriano Jr. stated unless the...

Chairman Buzzutto stated that comes out on Ballyhack [Road].

Mr. Cipriano Jr. stated unless the state D.O.T. wants to put one up there, I don't think there is going to be one.

Chairman Buzzutto stated but you're eliminating Old [Route] 22...

Mr. Cipriano Jr. stated yes.

Chairman Buzzutto stated as an entrance onto [Route] 22. That's disappearing.

Mr. Cipriano Jr. stated yes. Old [Route] 22 is disappearing. I guess the intersection there is not the best, and...

Chairman Buzzutto stated yeah.

Mr. Cipriano Jr. stated and that would help my place, and also help the people on Ballyhack [Road] coming up and, I guess...

Chairman Buzzutto stated you'll be using actually Ballyhack Road there.

Mr. Cipriano Jr. stated no, no.

Chairman Buzzutto stated no.

Board Member Bodor stated no.

Mr. Cipriano Jr. stated nope. We would not be touching Ballyhack [Road]. That was the...I guess three or four years ago, that was when I had to find the owners of that middle piece of property and purchase that to put an entryway so I could access [Route] 22 efficiently.

Board Member Bodor stated it would be going directly out to [Route] 22...

Mr. Cipriano Jr. stated yeah.

Board Member Bodor stated correct.

Chairman Buzzutto stated oh, okay. I don't know. I haven't got much more.

Board Member Bodor stated and how long have you been working on this project.

Mr. Cipriano Jr. stated my father bought this piece of property in 1998 when I graduated college.

Board Member Bodor stated okay.

Mr. Cipriano Jr. stated I was trying to escape from Long Island 10 years ago. It's wearing on me now, but it's been awhile. We started working on the project I guess 2002, realistically.

Chairman Buzzutto stated you've already planted trees in there just to see how they would take to the soil.

Mr. Cipriano Jr. stated we planted a lot of trees actually to see what the deer would do, and we found that the deer eat everything. Even the white pine. But the white pines have faired the best, and it's the best screen, I think, that we can use up there to screen out the old farm house that was there. It was kind of a courtesy. We were trying to do it in advance and make it grow and we perfectly screen it when we decide to build it, and it just ended up taking longer than we thought.

Chairman Buzzutto stated and none of that is wetlands on your property there.

Mr. Cipriano Jr. stated on the main piece, no. There is a wetland down here [referring to the plans].

Chairman Buzzutto stated there is wetlands down by the road there.

Mr. Cipriano Jr. stated down by the road there's wetland and I think we're within the permissible use of wetland. We can use that portion, and we're going to replace a portion of it down in the main wetland to make it a little better. The wetland that we're going into is all the wetland that they don't like.

Chairman Buzzutto stated yeah.

Mr. Cipriano Jr. stated the phragmites, so...

Board Member Bodor stated and this plan is before the Planning Board, our Planning Board, currently.

Mr. Cipriano Jr. stated I did receive a positive approval from the Planning Board. Is that...

Board Member Olenius stated yeah. For the record, the Planning Board issued a negative SEQRA declaration on September 4th. They were acting as lead agent.

Board Member Bodor stated right. Thank you.

Chairman Buzzutto stated and there will be a lot of trees removed out of there.

Mr. Cipriano Jr. stated well, where the parking area is, yeah, there's going to be a lot of trees moved out. And there's going to thinning of trees because I have to get enough light in there to allow the plants to do well so they don't look bad when...if you want to purchase.

Chairman Buzzutto stated yeah.

Mr. Cipriano Jr. stated so Ballyhack [Road] is the corridor that has to maintain the most trees. So other than that...But yeah, the front, when all the construction goes on, we have to put in retention ponds, subsurface sewage, so...

Chairman Buzzutto stated so how does that work on removing trees. Do you have to get any kind of authorization from anybody to...

Mr. Cipriano Jr. stated I have to find that out soon, once we get further in. D.E.P still has to approve it. State D.O.T. still has to approve the roadway. So I'm not there just yet.

Chairman Buzzutto stated so you just can't cut down trees without...

Mr. Cipriano Jr. stated yeah. I came to find that out awhile back.

Chairman Buzzutto stated okay. Alright. Does anybody else have...I've run out of questions.

Board Member Olenius stated I don't think so.

Board Member Bodor stated is there anyone in the audience who has some input that they'd like to share.

Chairman Buzzutto stated the gentleman in the white shirt back there. No. Alright.

Board Member Bodor stated I'm ready to close the public hearing.

Chairman Buzzutto stated yeah.

Board Member Bodor stated unless someone has something further.

Chairman Buzzutto stated do you have anything.

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

Board Member Olenius stated second.

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

Chairman Buzzutto stated the public hearing is now closed.

Board Member Bodor stated I have a reso, unless someone else has one and want to read.

Board Member Olenius stated I can. It's up to you.

Board Member Bodor stated you want to do it. Go ahead.

Board Member Olenius stated I'll do it.

Board Member Olenius read the following resolution:

**N THE MATTER OF THE APPLICATION OF
Peter Cipriano Jr., Case #08-08
For a Special Use Permit for a Retail Center**

WHEREAS, *Pietro and Rosina Cipriano and Jennifer and Peter Cipriano Jr. are* the owners of real properties located at 2096 and 2080 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #'s 35.-5-47 and 35.-5-49**, respectively, and

WHEREAS, *Peter Cipriano Jr.* has made application to the Patterson Zoning Board of Appeals for a Special Use Permit as set forth by §154-34 of the Patterson Town Code; Permitted principal uses, for construction of a greenhouse/nursery with additional retail operations on the site, and

WHEREAS, §154-34 of the Patterson Town Code states that sites in the C-1 Zoning District which may contain two or more retail or service operations, shall be considered a retail center, and shall be permitted by special use permit only, and

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

WHEREAS, the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on September 4, 2008, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on August 25, 2008 and September 17, 2008, and a site walk was conducted on September 4, 2008, to consider the application.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Peter Cipriano Jr.* for a Special Use Permit as stated in §154-34 (A) of the Patterson Town Code, to allow the construction of a greenhouse/nursery with additional retail operations in the C-1 Zoning District.

Board Member Bodor stated I second it.

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. Then you have to follow up through the Building Department and the Planning Board, right.

Mr. Cipriano Jr. stated yes. Thank you.

Chairman Buzzutto stated okay.

Board Member Bodor stated you're welcome. Good luck.

Board Member Olenius stated good luck.

Chairman Buzzutto stated good luck to you.

Mr. Cipriano Jr. stated have a good night.

Board Member Burdick stated you too.

Board Member Bodor stated you too.

(Inaudible – papers shuffling).

Board Member Bodor stated no, Tojant. Oh, I'm sorry. You're right.

Chairman Buzzutto stated who's that.

Board Member Bodor stated Galella.

Chairman Buzzutto stated Galella. (Inaudible). It doesn't matter to me.

Board Member Bodor stated it's not on here. It's on here. It's this one.

Chairman Buzzutto stated yeah, this.

Board Member Bodor stated well, I had a question.

Chairman Buzzutto stated okay. Let her read the...

3) ANTHONY & ERIN GALELLA CASE #09-08

Both Anthony and Erin Galella were present.

The Secretary read the following legal notice:

Anthony & Erin Galella Case #09-08 – Area Variance

Applicants are requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct a 14' x 16' addition over an existing 8' x 16' deck. The Code requires a 20' rear yard setback; Applicant can provide 9.6'; Variance requested for is 10.4'. This property is located at 3 Ulster Road (RPL-10 Zoning District).

Chairman Buzzutto stated okay. You are...

Mr. Anthony Galella stated Anthony Galella.

Chairman Buzzutto stated Anthony Galella. You are representing... You are the homeowner.

Mr. Galella stated yes.

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

Mr. Galella stated yes.

Chairman Buzzutto stated fine. Okay, you heard the agenda on this. Is that basically everything that you wanted to do, or do you have anything extra you want to put in there.

Mr. Galella stated that's it.

Chairman Buzzutto stated okay. Now you want to put a...

Board Member Olenius stated you want to replace a rear deck with a bedroom...

Mr. Galella stated yes.

Board Member Olenius stated and bump it out an additional 6'.

Mr. Galella stated yes.

Board Member Bodor stated how many bedrooms are in the house currently.

Mr. Galella stated one.

Board Member Bodor stated and when you finish construction there will be...

Mr. Galella stated two.

Board Member Bodor stated two. Do you have the Board of Health approval to have two bedrooms in that structure. With your septic. With all of that.

Mr. Galella stated yes.

Board Member Bodor stated do you have a paper to that effect.

Mr. Galella stated no.

Board Member Bodor stated well, that's something that's important...

Mr. Galella stated okay.

Board Member Bodor stated and it's going to have to be documented.

Mr. Galella stated okay.

Board Member Bodor stated because what we know, what we think...suspect, is the septic is approved for one bedroom.

Mr. Galella stated it was technically a two bedroom house to begin with.

Board Member Bodor stated it was.

Mr. Galella stated it was. But then they converted it to a one bedroom. It's on the tax ID card. If I add another bedroom, it will technically be back to a two bedroom.

Board Member Bodor stated the property description from our tax office says there's only one bedroom.

Mr. Galella stated on the property card, it is a two [bedroom] though.

Board Member Bodor stated well, we don't have that information. We just have it as a one bedroom.

Chairman Buzzutto stated and you have to have documentation from the Health Department.

Mr. Galella stated okay. I wasn't aware of anything.

Chairman Buzzutto stated well, you...How does he go about getting it. He has to go to the Health Department, Marianne.

Board Member Burdick stated if it was originally a two bedroom, I don't know, you know, what he's going to have to do in order to...Normally if it's a one bedroom and they're increasing it to two bedrooms, they would have to come in with a set of plans and there would have to be a review done. Rich, do you have any input into that. If it was a two bedroom and they made it a one bedroom, and they're going to go back to a two bedroom.

Rich Williams stated I don't know what the Health Department policy is on that. You know, whether they would grandfather it in or not.

Board Member Burdick stated you should call to the Health Department tomorrow...

Mr. Galella stated okay. Is it because of the septic, or...

Chairman Buzzutto stated well, because you're adding one more bedroom. Whether that's documented from the two family before...or two bedroom before, we don't know. We have nothing here.

Jennifer Herodes stated it is because of the septic. Because...

Mr. Galella stated okay. Because we're not adding more people.

Jennifer Herodes stated it goes by bedroom, not people...

Mr. Galella stated oh, okay.

Jennifer Herodes stated or bathrooms...

Mr. Galella stated okay.

Jennifer Herodes stated like most people think. It goes by bedroom, the idea being that (inaudible).

Mr. Galella stated okay.

Jennifer Herodes stated so when you said you had Board of Health approval, were you just saying you believe it because it was...

Mr. Galella stated oh, I thought she meant is the septic big enough. I didn't realize.

Jennifer Herodes stated I got you. So you haven't talked to them at all yet.

Chairman Buzzutto stated is this the house that you [referring to a picture]...

Mr. Galella stated yes.

Chairman Buzzutto stated this is the house you're talking about. And you want to put that...well, facing it on the left side, over here.

Mr. Galella stated the addition...

Chairman Buzzutto stated yeah.

Mr. Galella stated is going to be to the rear of house.

Chairman Buzzutto stated oh, to the rear.

Board Member Bodor stated going out the back.

Mr. Galella stated yeah.

Chairman Buzzutto stated the back.

Mr. Galella stated the house is long.

Chairman Buzzutto stated oh, I see. Okay.

Mr. Galella stated and it has sliding doors to a deck, and then a concrete patio. So we're just going to add, to basically, the existing of the house.

Board Member Bodor stated so where the deck is currently, is...

Mr. Galella stated the deck is sixteen...

Board Member Bodor stated going to become the addition. It's the width...the whole width of the house...

Mr. Galella stated yes. It's just going to match the end of the house.

Board Member Olenius stated did you explore options for attaching it anywhere else on the house where you could avoid a variance, or...

Mr. Galella stated we were thinking about going up, but the price quadrupled.

Board Member Olenius stated this was the most affordable alternative. Is that...

Mr. Galella stated yeah.

Chairman Buzzutto stated well, I think in the mean time, you have to get this documentation from the Health Department. Something to show what was there, what's there now.

Board Member Olenius stated I think in the mean time, we probably should go out and take a look at it.

Board Member Burdick stated yeah.

Chairman Buzzutto stated we have to take a look at it.

Board Member Bodor stated we have to take a look at it.

Mr. Galella stated okay.

Board Member Bodor stated what's behind your property.

Mr. Galella stated behind my property, like behind the house.

Board Member Bodor stated yeah.

Mr. Galella stated the deck.

Board Member Bodor stated you have a concrete patio in the back.

Mr. Galella stated yes.

Board Member Bodor stated beyond that.

Mr. Galella stated there's a fence.

Board Member Bodor stated a fence.

Mr. Galella stated and then the neighbor.

Board Member Bodor stated are there houses really close to you on that back line.

Mr. Galella stated the line is. But the house is...

Board Member Bodor stated the houses are further...

Mr. Galella stated yes.

Board Member Bodor stated set further toward the other road, or...

Mr. Galella stated yes.

Board Member Bodor stated whatever it is.

Mr. Galella stated just one house.

Board Member Olenius stated is this on the New Fairfield side of Putnam Lake.

Mr. Galella stated yes.

Board Member Olenius stated kind of near Jasper Road.

Mr. Galella stated off Jasper [Road]. It's off Jasper [Road].

Board Member Olenius stated it's off Jasper [Road].

Mr. Galella stated make a right on Jasper [Road] and then your first left on Ulster [Road].

Board Member Olenius stated oh, okay.

Board Member Bodor stated we do have a letter from a neighbor who doesn't identify themself.

Mr. Galella stated okay.

Board Member Bodor stated but I would like to read it into the record.

Board Member Bodor read the following letter:

Dear Board,

I have questions regarding the removal of a deck and addition at 3 Ulster Road, Brewster, New York, Case #09-08, that would require an approximately 10 foot variance and the building of a two story garage...

Mr. Galella stated no.

Board Member Bodor stated and...alright.

Board Member Bodor continued to read the following letter:

And the building of a two story garage at 11 Sonnet Lane, #07-08, requiring an approximately 11 foot side variance and a 9 foot back variance.

Board Member Bodor stated this letter is covering the case we just discussed.

Mr. Galella stated oh, okay.

Board Member Bodor stated the first case, and yours.

Board Member Bodor continued to read the following letter:

I ask the Board to please take a site walk through and determine whether this is appropriate and accurate and whether any other options are available for building. My concern is that this may open the door for more variances that could bring the value down on homes in the area.

Regards,
A concerned neighbor

Board Member Bodor stated we already did a site walk on the first...

Mr. Galella stated okay.

Board Member Bodor stated on the other house that's referenced here. We don't know who it's from. It's signed a concerned neighbor, so...But it's in the record.

Chairman Buzzutto stated yes, yes. Okay.

Board Member Bodor stated okay. And I think we should take a look at this.

Mr. Galella stated okay.

Board Member Bodor stated go out and see what it's like. We do this a lot.

Mr. Galella stated okay.

Board Member Bodor stated we're not picking on you.

Mr. Galella stated that's okay.

Board Member Bodor stated meanwhile...

Mr. Galella stated the baby's living in our room, so...

Board Member Bodor stated meanwhile, you need to find out about the bedroom approval for that house...

Mr. Galella stated okay.

Board Member Bodor stated as far as the septic from the Board of Health.

Mr. Galella stated I will. Okay.

Board Member Burdick stated Department of Health.

Board Member Bodor stated Department of Health, I'm sorry.

Mrs. Erin Galella stated is there someone we should ask for.

Board Member Bodor stated I don't know that there's a body. I don't have a name for you.

Mrs. Galella stated okay.

Board Member Burdick stated when you call down, just ask the receptionist to speak to one of the engineers. Tell them that you are in the Town of Patterson and they'll direct you to whoever...

Mr. Galella stated okay.

Board Member Burdick stated is in that area. I don't know which one of the engineers it is.

Mr. Galella stated yeah, I wasn't aware. I just handed everything in, I said do you need anything else, and they said no.

Board Member Burdick stated it could just be as simple as them asking for the documentation to show that...

Mr. Galella stated okay.

Board Member Burdick stated the house did have two bedrooms.

Mr. Galella stated okay.

Board Member Burdick stated I don't work in that part of the Health Department, so...

Mr. Galella stated okay.

Board Member Burdick stated you're better off telling them directly.

Chairman Buzzutto stated okay, so we're going to table this, do a site walk on the property, and in the meantime...

Mr. Galella stated okay.

Chairman Buzzutto stated you can see what you can do about those documents.

Mr. Galella stated okay.

Board Member Posner stated get a copy of that tax card, too, that shows...

Mr. Galella stated okay.

Board Member Posner stated it was originally a two bedroom. Bring that with you.

Mr. Galella stated yes.

Board Member Olenius stated if possible, prior to our site walk, because it's not going directly over the existing deck, it's going beyond that, if you could maybe two put like two stakes in the lawn or something, just so we have an idea of how much further...

Mr. Galellea stated okay. Alright.

Board Member Olenius stated you know, what you're looking to do.

Mr. Galellea stated okay.

Board Member Olenius stated goes from the existing.

Mr. Galellea stated is there like a date that you guys know that you're coming.

Board Member Olenius stated Sarah will notify you.

Mr. Galellea stated because it's concrete. Maybe I'll just put like a...

Board Member Olenius stated that would be fine. Or a sharpie marker, or a can of spray paint. We just want to have an idea of what you're looking at, that's all.

Mr. Galellea stated okay.

Board Member Olenius stated you know.

Board Member Bodor stated okay, we'll let you...

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated we'll let you know once we determine when we're all available to walk.

Chairman Buzzutto stated we'll let you know when the site walk goes.

Mr. Galellea stated okay.

Board Member Bodor stated okay. Thank you.

Chairman Buzzutto stated alright. Okay. This will probably be in the evening. We've still got daylight time.

Mr. Galellea stated we have to come back next month, right.

Board Member Bodor stated yes.

Mr. Galellea stated okay.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay. Okay, you want to call the next one.

4) **TOJANT CORPORATION CASE #10-08**

Mr. Thomas Raveson was present.

The Secretary read the following legal notice:

Tojant Corporation Case #10-08 – Area Variance

Applicant is requesting an area variance pursuant to §154-15(A) of the Patterson Town Code; Fences, stone walls, and masonry walls, in order to have an 8 foot fence in the C-1 Zoning District. Code allows up to 6 feet for fences; variance requested is for 2'. This property is located at 3013 Route 22 (C-1 Zoning District).

Board Member Olenius stated good evening.

Mr. Thomas Raveson stated good evening.

Chairman Buzzutto stated do you want to give your name.

Mr. Raveson stated Thomas Raveson. I'm president of Tojant Corporation. Resident of the Town of Patterson for about 22 years.

Chairman Buzzutto stated okay.

Mr. Raveson stated and I can give you an overview of this project.

Chairman Buzzutto stated alright. Do you want to raise your right hand sir.

Mr. Raveson stated sure.

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

Mr. Raveson stated I do.

Chairman Buzzutto stated alright. Okay, do you want to give us all the details of what you've got there.

Mr. Raveson stated okay. This is a site that is... This site is on the corner of [Route] 311 and [Route] 22, and surrounds the existing commercial development that is on this corner which includes a bank, an antique retail store and a small office... the Hampshire Office complex. It's a total of 52 acres. And we've proposed to subdivide this into two lots; and I've received the approval for subdivision. The two lots would be... Here's the site here [referring to plans]... Would include approximately 42 acres, which is the wetland that fronts [Route] 22 and the site for Tractor Supply Store, which is approximately 8 acres that would front on [Route] 311. And the entrance, the primary entrance, would be directly opposite the entrance to the A&P. The site is... we have a section of phragmite wetland here on the site, which has resulted in pushing the building further away from the road. The distance from the front of the building and Route 311 is approximately 440 feet; a football field and a half. Required by Tractor Supply for their operation is a side yard here. Here's the building, and this side yard here need a fence. And so we're requesting a variance from the permitted 6' fence to an 8' fence. There will be no visible impact to the east, and virtually no visible impact to the west because the land goes up. And again, you've got the distance from the fence to the closest house is over 500'. I've brought some photographs...

Chairman Buzzutto stated is there any specific reason that you want an 8' rather than a 6'...What is the reason for that.

Mr. Raveson stated for security.

Chairman Buzzutto stated security. That would be what, like a chain link.

Mr. Raveson stated a chain link. I can show you...I will show you exactly what we're doing.

Chairman Buzzutto stated alright, very good.

Mr. Raveson stated to address some of the concerns of the Planning Board, we hired an architectural engineer...a photographic engineer. And we actually had the building...We took a photograph. This is the front, this is [Route] 311 looking south. And here's how far away the store would be away from the road. And the fence actually is here [referring to the photograph]. And this fence was drawn at the time to be 10'. We're only asking for 8'. But I thought it would give you a decent idea of what we're looking for. And actually, what we're looking for...I can show you. I can do better on that. Because it's a duplication of the Tractor Supply Store in New Milford, Connecticut. And so I've got a photograph of this, so it would look very much like this. I mean, not very much; identical to this. Pass that out [referring to the photograph].

Board Member Burdick stated and this fence is 8'.

Mr. Raveson stated yes.

Board Member Burdick stated okay.

Chairman Buzzutto stated I think I've seen that on the internet.

Board Member Bodor stated what would be contained in this area that needs to be so secure.

Mr. Raveson stated as you can see...I don't know whether you can see actually or not from that photograph, but they have inventory. Inventory which they have for sale.

Board Member Bodor stated what products do they sell.

Mr. Raveson stated they sell equestrian supplies. They sell gentlemen farmwear products, fencing; its piping and gates.

Chairman Buzzutto stated is this more...I would say is it larger than the old Agway type of tractor supply and stuff like that.

Mr. Raveson stated the store is...Yes. It's a different...It's actually differently organized than Agway.

Chairman Buzzutto stated yes.

Mr. Raveson stated but they do sell food...or animal feed products. Again, geared to especially the equestrian market. And they also sell an array of tools and tractor parts, and riding mowers. But they do not sell tractors, even though it is called Tractor Supply.

Chairman Buzzutto stated yes.

Board Member Bodor stated everything that goes with the tractor, but not the tractor.

Mr. Raveson stated pretty much.

Chairman Buzzutto stated isn't there a tractor place up by the license bureau in Patterson...Brewster.

TAPE ENDED

Board Member Burdick stated yeah, it's the tractors itself. And what is up there. Is it Westchester...

Chairman Buzzutto stated Westchester Tractor or something.

Board Member Burdick stated I don't know.

Board Member Olenius stated I think it's Westchester Ford.

Board Member Burdick stated it's the actual commercial excavation...

Board Member Olenius stated backhoes and...

Board Member Burdick stated backhoes and stuff.

Mr. Raveson stated they don't sell any large scale commercial...

Board Member Burdick stated lawnmowers would be...

Mr. Raveson stated lawnmowers (inaudible) they sell, yeah.

Chairman Buzzutto stated but that would be...

Mr. Raveson stated trailers they sell. When I say trailers, utility trailers...

Board Member Bodor stated not horse trailers.

Mr. Raveson stated I do not believe they sell horse trailers. But they have a lot of horse equipment. Drinking containers and, you know...

Board Member Bodor stated is there such a large market for equestrian equipment around here.

Mr. Raveson stated extremely.

Board Member Bodor stated yeah.

Board Member Burdick stated it's getting larger.

Mr. Raveson stated in fact, they did an extensive amount of market research, and by income and also by use...I mean they really...They now have 800 stores around the country. And they pinpointed this area, you know, for future development. Even though they have a store already in New Milford and also one up in Amenia. What they're hoping to do is attract not only the local community, but also farming for the horse and gardening community from northern Westchester. But...And amazingly when started talking to them 3 years ago...2 ½ years ago, they had about 450 stores. Now they're up to 800 [stores]. And in a period of time, as you may know, the commercial activities have been on the slotted...

Board Member Burdick stated I know quite a few people that go over to the one in New Milford, so...

Mr. Raveson stated yeah. I was amazed actually because I was not familiar with the store myself.

Chairman Buzzutto stated that other picture...you showed a picture of (inaudible), that's the one that you basically said would be on [Route] 311. Now, where that building is going to come, there's New York State high tension wires there. We had problems with that once before, about the high tension wires. You have to be so many feet from the towers.

Rich Williams stated yeah, this...The building of the fence and everything are far enough away from the...

Chairman Buzzutto stated yeah.

Rich Williams stated utility easement out there that it's not an issue.

Chairman Buzzutto stated I mean, that was a big issue on something on there before when the A&P was being built. But I guess that everything is in order on that.

Mr. Raveson stated everything's in order. In fact, we're working in a very cooperative way with NYSEG. They don't lease this property, their right-of-way. They don't have a right-of-way, they virtually own the property. And yet, the topography here actually slopes up, and we're going to have a cut here to make this entrance level with [Route] 311. And they're actually permitting us to grade this section of their area so that we don't need a retaining wall.

Chairman Buzzutto stated and you say the entrance to that is going to be directly across...

Mr. Raveson stated directly across...

Chairman Buzzutto stated from the A&P entrance.

Mr. Raveson stated yes.

Chairman Buzzutto stated would that cause any problems...

Mr. Raveson stated it's really a very low traffic type of operation, so we're getting a D.O.T. minor permit...minor entrance permit.

Chairman Buzzutto stated I see.

Board Member Olenius stated what's the area inside the fence. Is it paved, is it gravel, is it...

Mr. Raveson stated it will be paved.

Board Member Olenius stated paved.

Mr. Raveson stated yes.

Chairman Buzzutto stated you can't see the fence too well from [Route] 311, right, according to that...

Mr. Raveson stated well, this again, this is an actual photograph of a 10' fence. So, if you can imagine... Let me just show you here [referring to a photograph].

Chairman Buzzutto stated okay.

Mr. Raveson stated there's a red line that goes across here [referring to the photograph].

Chairman Buzzutto stated yeah.

Mr. Raveson stated that's 10'.

Board Member Bodor stated okay.

Mr. Raveson stated and that's at the same level as the fence. If you reduce it down 2 feet, to the height of the window, that's where the fence would be. There's virtually...

Chairman Buzzutto stated that's good. Okay.

Mr. Raveson stated yeah.

Chairman Buzzutto stated did you want to see that.

Board Member Olenius stated no. I'm looking at this one and can barely see over the tops of the cars.

Chairman Buzzutto stated it surely improves the property (inaudible).

Board Member Bodor stated I'm surprised that the building can be seen so well given the fact that it's way back on the property. I was thinking when first said set, what, 400' back...

Mr. Raveson stated 440 feet.

Board Member Bodor stated yeah. I was like how can you see it. But you can.

Mr. Raveson stated well, the height of the building is actually... the eave height of the building is 22'8". So that's probably...

Board Member Posner stated I can see it from down there.

Mr. Raveson stated I mean it's virtually a wall. But that's I think a very, very accurate representation of what you will see.

Chairman Buzzutto stated and...

Board Member Bodor stated and the line's are neat. The lines of the building are neat lines; It's clean.

Mr. Raveson stated yeah. Right.

Chairman Buzzutto stated yeah. The chain link is not going to have the tapes or anything in it. It's just going to be the straight chain link.

Mr. Raveson stated that's right.

Chairman Buzzutto stated okay. Do we have any input from the audience on this. I guess not.

Board Member Posner stated they've got a lot of customers in there already.

Mr. Raveson stated I should comment, because it also pertains to your question about the entrance and the, you know, the impact on [Route] 311. By Code, we're required to have, I think it was 132 parking areas. But because of the historical records of all the other stores, they find that parking requirements are far less than what the Town would require. So the Planning Board has granted us relief on that and there are a reduced number of parking lots. I think we're down to 89, because they just won't be necessary. I think that, you know, at their peak they normally have like 15 to 20 customers an hour. And that's only peak. They are open 7 days a week.

Chairman Buzzutto stated they don't sell any explosive materials in there like fuel and stuff like that.

Mr. Raveson stated no.

Chairman Buzzutto stated no. Nothing like that.

Mr. Raveson stated no. They do sell empty gas cans I believe, and they have an interesting array of equipment; generators for farm use and residential use.

Chairman Buzzutto stated is it strictly retail.

Mr. Raveson stated strictly retail.

Chairman Buzzutto stated strictly retail. Alright. Does anybody else have any more on that. Do you think the 10 foot fence is going to be...

Mr. Raveson stated no it's 8'.

Board Member Bodor stated eight feet.

Chairman Buzzutto stated eight foot.

Board Member Bodor stated eight foot.

Chairman Buzzutto stated do you have anything more on that.

Board Member Posner stated I don't. I think it was a good presentation.

Chairman Buzzutto stated nothing from the audience. We close the public hearing.

Board Member Olenius stated second.

Chairman Buzzutto stated second.

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

Board Member Olenius stated for the record, too, I would like to make mention that the Planning Board has sent a memo to us making a recommendation to view favorably the variance requested for the 8 foot fence enclosure...the outdoor storage area. It was dated August 7th, 2008.

Chairman Buzzutto stated okay. So the...When does it start...when does it begin to go into production to build.

Mr. Raveson stated we're actually at the point where we have the site approval...We're at the point of site approval where we're simply waiting on the input from the environmental agencies.

Chairman Buzzutto stated okay.

Mr. Raveson stated but we believe we've resolved most, if not all, the issues for the Planning Board.

Chairman Buzzutto stated okay. I've already closed the public hearing, so I can't go any further.

Mr. Raveson stated okay.

Chairman Buzzutto stated whose got the...

Board Member Olenius stated I have it.

Chairman Buzzutto stated you've got it again.

Board Member Olenius stated I'll do it.

Chairman Buzzutto stated okay.

Board Member Olenius stated unless you want to do it.

Board Member Posner stated no.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Tojant Corporation, Case #10-08
*For Installing an 8' Fence***

WHEREAS, *Tojant Corporation* is the owner of real property located at 3013 Rote 22 (C-1 Zoning District), also identified as **Tax Map Parcel # 4.-1-1, and**

WHEREAS, *Tojant Corporation* has made application to the Patterson Zoning Board of Appeals for a variance pursuant to §154-15(A) of the Patterson Town Code; Fences, stone walls and masonry walls, for installation of a 8' fence on the property, and

WHEREAS, §154-15(A) of the Patterson Town Code states that fences shall not be more than six feet in height measured from ground level to the highest point of any portion of the fence; Applicant is requesting a 2' variance in order to install an 8' high fence; 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 September 17, 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 area surrounding it is primarily commercial.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because security is a primary reason to protect inventory.***
3. the variance requested ***is not*** substantial ***because it's 25% more than the allowed height.***
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 area within and surrounding the fence would be paved and finished.***
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 ***Tojant Corporation*** for an ***area variance pursuant to*** §154-15(A) of the Patterson Town Code; Fences, stone walls and masonry walls, for installation of an 8' high fence.

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.

Mr. Raveson stated thank you very much.

Board Member Bodor stated good luck and thank you for your wonderful presentation.

Board Member Olenius stated yes.

Mr. Raveson stated thank you.

Chairman Buzzutto stated very good. Now we got Davila.

5) EDWIN DAVILA CASE #11-08

Mr. Edwin Davila was present.

The Secretary read the following legal notice:

Edwin Davila Case #11-08 – Area Variances

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to place an 18' round above ground pool in the front yard. Applicant will have >38% impervious surface coverage; The Code requires \leq 38%; Applicant is seeking a variance for >38% impervious coverage. Also, Applicant is requesting a variance pursuant to §154-27 (12)(a); Permitted accessory uses. The Code does not permit pools to be located in the front yard. Applicant cannot install pool in any other location. This property is located at 21 Manchester Road (RPL-10 Zoning District).

Board Member Olenius stated Mr. Chairman, I'm going to recuse myself. I was noticed on this case.

Chairman Buzzutto stated okay, fine. So noted. Okay, 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. Edwin Davila stated yes.

Chairman Buzzutto stated alright. And your name is.

Mr. Davila stated Edwin Davila.

Chairman Buzzutto stated I'm sorry.

Mr. Davila stated Edwin Davila.

Chairman Buzzutto stated Davila. Very good. Okay, now you want to put a pool or something...

Board Member Burdick stated 18'.

Board Member Bodor stated 18' above ground.

Chairman Buzzutto stated 18 foot above ground pool in the backyard.

Board Member Bodor stated front yard.

Board Member Burdick stated front yard though.

Board Member Bodor stated and the reason it's front yard is because you have...

Mr. Davila stated three corners. I've got the front and the two sides.

Board Member Bodor stated three front yards. Why is this the only location for you to put this pool.

Mr. Davila stated there is no other place on the property.

Board Member Bodor stated why not.

Mr. Davila stated because on the back of my property I've got a gazebo, I got a deck, and I got a garage. That's the only place where I would...the distance that you guys want me to put it from the street or the neighborhood fence, that's the only place in my whole property where the pool will fit in there. Everything else is covered around.

Board Member Bodor stated everything else is what.

Mr. Davila stated covered.

Board Member Bodor stated covered with...

Mr. Davila stated with the garage, with the gazebo, with the deck. And that's the why that I want to put it; I want to put it next to the deck. That's the only place I've got to put it.

Board Member Bodor stated I'm looking at the survey. Are there numerous concrete patios throughout the yard.

Mr. Davila stated on the back...Actually, I've got two driveways on my property because that property used to be like two different properties years ago, and the guy bought the next property, and he made two properties in one. And I got two driveways in my property. I've got concrete in the back of my house, and I've got...Yeah, most of the properties concrete.

Board Member Bodor stated most of the property is covered with macadam or concrete or a structure.

Mr. Davila stated driveway, or the septic is around there, too.

Board Member Bodor stated that septic, of course, would be some place, and the well would be some place.

Mr. Davila stated yes.

Board Member Bodor stated I see that you're looking at a variance because...partially...Well, the one is for the pool in the front yard, but we're also looking at an impervious surface coverage, which in your area is 38%. You're already over 38%, but it doesn't tell us what the percentage of coverage is, and it doesn't give us the figure for the variance requested for that coverage either.

Chairman Buzzutto stated do you understand what she is trying to...

Mr. Davila stated not really.

Board Member Bodor stated well, it is over 38% covered with impervious coverage.

Mr. Davila stated okay.

Board Member Bodor stated what is that figure. What is the percentage of impervious coverage.

Mr. Davila stated that I don't know. I can't explain that to you.

Board Member Bodor stated we need to know that.

David Raines stated I can help you with that. There's a reason you don't have it.

Board Member Bodor stated alright. We need to know that and part of the variance that you want is so much percentage of impervious coverage above and beyond. But we don't know that because we don't know what you have. Dave, would you like to help us.

David Raines stated well, because it's absolutely so ridiculous, that's why you don't have it. I'm the one who went out there and denied it and did the walk, and we're nearly at 100%.

Board Member Bodor stated okay.

David Raines stated there's stuff that's not on the site plan that you'll see...I'm sorry, on the survey, that you'll see when you're out there, if you choose to go out there. It's not even within the realm of...I mean, I could probably calculate it at 87%. I mean, I kind of gave up. I was doing it the other way. I reversed it because it was easier because it was coming up at less than 15%, so...Does it matter when you get to that...

Board Member Posner stated no.

David Raines stated you know, so that's why I think you're really going to need to look at it. I mean, it's a lot of variables here. It was two lots that were merged...two pieces of property merged at one point way back. There's two driveways, there's multiple patios, there's many, many nonconforming entities to this that go well beyond what is the real number, so...which is going to open up a can of worms. I've been down the road with a similar property on Haviland Drive where they had gazebos and patios and things. So...

Board Member Bodor start well I'm concerned because there is so much coverage. There can't be much grass anywhere.

David Raines stated right. There is none.

Board Member Bodor stated and is this pool trying to be put on the only remaining grass there is.

Mr. Davila stated well there's more, but the not enough room to get the 18' round, like you guys wanted. Because the distance of 15 feet from the street, 10' from the other side and...

Board Member Bodor stated could it go on one of the already covered concrete pads. Instead of taking more drainage area...

Mr. Davila stated no, because what happened is I have a workshop. You guys want me 15' away from that. From the garage, you guys want another 15' from the garage probably. And that's going to put me with no room there either. Even if I want to put it there, I won't have the distance for my garage, for the workshop, for the gazebo; it won't give me the distance that you guys are looking for.

Chairman Buzzutto stated do you understand what impervious coverage is.

Mr. Davila stated I understand.

Chairman Buzzutto stated for where water will go...

Mr. Davila stated yeah.

Chairman Buzzutto stated through the coverage.

Mr. Davila stated yes.

Chairman Buzzutto stated and what Mary is saying is it's concrete, it's blacktop, it's gravel...

Mr. Davila stated no, she's right. She's definitely right.

Chairman Buzzutto stated I think we should table this and take a look at it.

Board Member Bodor stated we have to.

Board Member Burdick stated yes.

Chairman Buzzutto stated we have to on this one here. We have to take a look.

Mr. Davila stated okay. No problem.

Chairman Buzzutto stated okay...

Board Member Bodor stated you can't go swimming this week anyway.

Board members laugh.

Mr. Davila stated no, no. This is probably something that we're going through for next summer. You know, it's not...

Chairman Buzzutto stated yeah.

Board Member Bodor stated let me ask you, on this survey, what is this area here that's speckled.

Mr. Davila stated I'm sorry, I'm blind.

Board Member Bodor stated that's okay. See where it's all dotted in there. What does that indicate.

Mr. Davila stated well this is like a garden.

Board Member Bodor stated a what.

Mr. Davila stated a garden. Where you plant flowers and...

Board Member Bodor stated you have a garden there.

Mr. Davila stated yeah.

Board Member Bodor stated oh, okay. There's soil there with plants in it.

Mr. Davila stated exactly.

Board Member Bodor stated oh, okay. There's an awful lot on that piece of property.

Mr. Davila stated no, not anymore. Everything is (inaudible).

Chairman Buzzutto stated he's not wasting any of it.

Board Member Bodor stated no, you're not wasting any space. What I'm saying is you've got an awful lot of stuff going on. You've got a house. You've got a garage. You've got a...

Chairman Buzzutto stated a workshop.

Board Member Bodor stated a carport. Concrete here. Concrete there. Macadam here. Macadam there.

Mr. Davila stated yes.

Board Member Burdick stated framed shed.

Board Member Bodor stated yeah. There's a shed there. Graveled areas. A roof over a block patio. There's another structure there. Okay, yeah. We're going to have to come out and take a look at it.

Mr. Davila stated okay.

Board Member Bodor stated to make an evaluation. Does anybody else have anything else to say.

Chairman Buzzutto stated where is Manchester [Road]. How far out is that. Near the church.

Mr. Davila stated yeah. You know the church; on the church you make a right on the church.

Chairman Buzzutto stated just past the church you make a right.

Mr. Davila stated past the church you make a right, and you're going to come to Manchester Road.

Chairman Buzzutto stated okay. Alright, so we're going to table this.

Mr. Davila stated okay.

Chairman Buzzutto stated we're going to take a site walk on it.

Mr. Davila stated okay.

Chairman Buzzutto stated Sarah will let you know...

Mr. Davila stated okay.

Chairman Buzzutto stated when the site walk will be. See if you're available at that time.

Mr. Davila stated it's going to be for next year, maybe, if it goes through, you know. So...

Chairman Buzzutto stated yeah.

Board Member Bodor stated how long have you had the property.

Mr. Davila stated it's going to be probably 4 ½ years already.

Board Member Bodor stated 2004.

Mr. Davila stated that's correct.

Board Member Bodor stated is that when the survey was done then.

Mr. Davila stated yes.

Board Member Bodor stated have you made any improvements on the property since purchasing it.

Mr. Davila stated no. I paint, you know.

Board Member Bodor stated you didn't build anymore concrete pads or sheds, or anything.

Mr. Davila stated no, no, no. Whatever you see in there was with the house when I bought it. The only thing, I got a portable garage where I keep the car. A portable garage.

Board Member Bodor stated a portable garage.

Mr. Davila stated yeah. The one you buy at Home Depot. You know, like a plastic one.

Board Member Bodor stated right. Okay.

Mr. Davila stated that's on there.

Board Member Bodor stated that's on there, too.

Mr. Davila stated yes.

Board Member Bodor stated oh. Alright.

Mr. Davila stated but everything else, it was on the property. All the concrete, the driveway. Everything was there.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay, fine then. We'll let you know.

Mr. Davila stated okay.

Board Member Bodor stated when we come out, we'd like to know where this proposed pool is going to be sited. Where...

Chairman Buzzutto stated where it's going to be located.

Board Member Bodor stated where you want it.

Mr. Davila stated do you want me to leave you a mark.

Board Member Bodor stated yes.

Mr. Davila stated oh, sure. No problem.

Chairman Buzzutto stated okay, fine. We'll be in touch with you and let you know.

Mr. Davila stated thank you, and...

Mr. Davila stated thank you.

Chairman Buzzutto stated and let you know.

Mr. Davila stated okay.

Chairman Buzzutto stated okay. Thank you very much.

Mr. Davila stated thank you.

Board Member Bodor stated thank you.

Mr. Davila stated no problem.

Board Member Bodor stated good night.

Chairman Buzzutto stated let's see. We have...

Board Member Posner stated one's on Manchester Road and the other one's on Ulster Road.

Board Member Bodor stated that's why I asked.

Board Member Posner stated they're both in the (inaudible – papers shuffling).

Chairman Buzzutto stated (inaudible – papers shuffling) in the backyard on this one.

Board Member Bodor stated that's the front yard.

Board Member Burdick stated is that where he wants to put it. Right here.

Board Member Bodor stated no. No. He's got three...

Board Member Burdick stated three...

Board Member Bodor stated front yards. I'm not sure where that pictures taken from.

Board Member Burdick stated yeah. It's probably from...Because it's...

Board Member Posner stated yeah, it shows where he wants to put it. It's a little round circle there.

Board Member Bodor stated oh. Where that circle is.

Board Member Posner stated where it says 18 feet on it, that's the 18 foot pool.

Board Member Bodor stated over there.

Board Member Burdick stated I think the picture's taken from here.

Board Member Posner stated I liked your question though. Is that the last of the gravel.

(Inaudible – too many talking).

Board Member Posner stated I got a little bit of grass left, what can I put on it.

Board Member Bodor stated (inaudible – papers shuffling).

Chairman Buzzutto stated you're going to have to use the Putnam Lake to go swimming.

Board Member Posner stated there's a Lake Ulster, right.

Board Member Olenius stated yes.

Chairman Buzzutto stated close the meeting.

Board Member Bodor stated do we have anything else.

Board Member Posner stated yeah, we have minutes, right.

Board Member Bodor stated other business.

Chairman Buzzutto stated other business. Let's see.

The Secretary stated site walks.

Board Member Bodor stated site walk. We have to setup a site walk.

Board Member Burdick stated thanks Dave.

Board Member Bodor stated thank you Dave.

David Raines stated (inaudible – too distant).

Board Member Posner stated thank you David.

David Raines stated you're welcome.

Chairman Buzzutto stated we (inaudible – too distant).

6) OTHER BUSINESS

a) Site walks

Board Member Bodor stated oh yeah. Alright, we need to setup a site walk to two locations. They're both over in the Lake fortunately. Right.

Board Member Posner stated any day but Tuesday. God willing, I won't have any other issues affecting my ability to be here.

Board Member Bodor stated Ulster [Road] and...

Board Member Posner stated I'd fall apart.

Board Member Bodor stated Manchester [Road].

Board Member Olenius stated if we do Ulster [Road] first, I could take you right to Manchester [Road].

Board Member Bodor stated oh, good. That's good.

Board Member Olenius stated I'll put my directional on and I'll keep going.

Board Member Bodor stated we have to find Ulster [Road] first.

Board Member Olenius stated I know where that is now, too.

Board Member Bodor stated you can get there.

Board Member Olenius stated yes.

Board Member Bodor stated alright, that gets you there.

Board Member Olenius stated no, it's right where we give the...Right across from where we did the site walk on Chubby's; the one they made the residence.

Board Member Bodor stated oh yeah.

Board Member Olenius stated they used to sell the mylar.

Board Member Bodor stated yeah.

Board Member Olenius stated directly across the street from there.

Board Member Bodor stated across Haviland [Road] from there. No. Across...

Board Member Olenius stated across Fairfield [Drive].

Board Member Bodor stated Fairfield.

Board Member Olenius stated yes.

Board Member Bodor stated across Fairfield.

Board Member Olenius stated yeah. It's more towards...

Chairman Buzzutto stated the firehouse or something.

Board Member Olenius stated Milltown Road, or Gage Road side. If you're heading into Connecticut, it's on the right.

Board Member Bodor stated okay.

Board Member Burdick stated oh, okay.

Chairman Buzzutto stated that is which one there.

Board Member Bodor stated it's right off of Fairfield [Drive], Manchester [Road] is.

Board Member Olenius stated no. You're going to Ulster [Road].

Board Member Bodor stated I'm sorry.

Board Member Olenius stated but no, you go...

Chairman Buzzutto stated you go past the church.

Board Member Burdick stated that's Manchester [Road].

Chairman Buzzutto stated that's Manchester [Road], okay.

Board Member Olenius stated no. If you pass the dam like you're heading to Connecticut...

Board Member Bodor stated yes. Yes.

Chairman Buzzutto stated yes.

Board Member Olenius stated that old house that we looked at that used to be the residence...Chubby's there...

Chairman Buzzutto stated yes.

Board Member Olenius stated right across from that there's like an industrial building.

Board Member Bodor stated yes.

Board Member Olenius stated like small cinder block building.

Board Member Bodor stated right.

Chairman Buzzutto stated oh yeah.

Board Member Olenius stated that's Jasper Road right there.

Board Member Bodor stated okay.

Board Member Olenius stated you make the right on Jasper [Road] and then Ulster [Road] is on the left, off of Jasper.

Board Member Bodor stated okay. Jasper [Road].

Board Member Olenius stated Jasper [Road] is your target road when you're pulling in.

Board Member Bodor stated that's off of Fairfield [Drive].

Board Member Olenius stated yes.

Board Member Burdick stated where's that in relation to the pizza place. Is that past the pizza place.

Board Member Olenius stated past the pizza place, yes.

Chairman Buzzutto stated always thinking of something to eat.

Board Member Olenius stated further up the hill.

Board Member Burdick stated that's all I know over there.

Board Member Bodor stated Nick's.

Board Member Olenius stated further up the hill.

Board Member Burdick stated past Nick's.

Chairman Buzzutto stated yeah.

Board Member Olenius stated yes.

Board Member Burdick stated okay.

Chairman Buzzutto stated there was a firehouse...

Board Member Olenius stated yes, Nick's on the right. It's not going to be your next right either. It's going to be like two rights. Like a really tiny right, and then it's the next one.

Board Member Burdick stated okay.

Board Member Olenius stated you'll see that big industrial building like where you can make that turn.

Board Member Burdick stated okay.

Board Member Bodor stated Fairfield [Drive] to Jasper [Road] to Ulster [Road].

Chairman Buzzutto stated I want to thank our attorney for showing up tonight. You're awfully quiet.

Jennifer Herodes stated you had it all handled tonight. You didn't need me.

Board Member Bodor stated okay, so when are we doing this.

Chairman Buzzutto stated well I don't know. I've got to find out what Sarah's going to do here, you know, it's critical. Anytime is good for me. This will be an evening site walk. We still have time in the evenings.

Board Member Posner stated it gets dark at 7:00p.m. So...

Board Member Bodor stated does it.

Board Member Posner stated quarter to 7:00p.m.

Board Member Olenius stated these are small homes, so I think they are going to be relatively...

Board Member Bodor stated (inaudible – too distant) is small. There's not much property to walk on.

Board Member Olenius stated no.

Chairman Buzzutto stated oh, thank god. Okay.

Board Member Posner stated any day but Tuesday.

Board Member Bodor stated alright. Well, we have next week. How does next week look, any day but Tuesday.

Chairman Buzzutto stated I don't have my calendar.

Board Member Bodor stated next week is the week of the 22nd. And then Rosh Hashanah is begins the 29th. Oh, I'm not good from the 3rd of October through the 12th of October.

Board Member Olenius stated I was going to say that next week would be better for me.

Chairman Buzzutto stated that's still September.

Board Member Olenius stated before the holidays come up because I typically get stuck late at work when the holidays are there because we don't have students, so...

Board Member Bodor stated Wednesday the 1st. Or no. That's right after Rosh Hashanah.

Board Member Olenius stated that is still part of the holiday. I was talking next week.

Board Member Bodor stated next week. Like the 24th; that's Wednesday. The 25th is Thursday.

Board Member Posner stated if we do it around 5:00p.m. or 5:30p.m., I can do it. It's not a problem because I have to stay as long...I've been taking a lot of days off there because my dad.

Board Member Bodor stated alright, well, what works best for you.

Board Member Posner stated yeah, somewhere around 5:00p.m. or 5:30p.m.

Board Member Bodor stated you work until 5:00p.m. now, yeah.

Board Member Olenius stated do you work until 5:00 now. Oh, so that works perfect.

Board Member Bodor stated they're on winter hours. 5:30p.m. on Wednesday the 24th or Thursday the 25th. Which.

Chairman Buzzutto stated it would be 5:30p.m., right.

Board Member Posner stated I think either day would work for me.

Board Member Bodor stated alright, let's go with the 24th at 5:30p.m. And if it rains, we'll do the 25th at 5:30p.m.

Board Member Olenius stated so it's Wednesday to Thursday. Backup.

Board Member Bodor stated Wednesday and Thursday backup. Is that working.

Board Member Olenius stated okay.

Chairman Buzzutto stated the 24th is Wednesday.

Board Member Bodor stated 5:30p.m. at Ulster [Road]. Right.

Board Member Posner stated okay. So Wednesday the 24th at 5:30p.m.

Board Member Bodor stated and the 25th is a rain date.

Board Member Posner stated okay.

Board Member Bodor stated okay.

Board Member Burdick stated Sarah, you'll send out an e-mail, right.

The Secretary stated yeah.

Board Member Posner stated yes. Please. And we'll do the Ulster [Road] one first.

Board Member Bodor stated Ulster [Road]. Yeah. We'll meet at Ulster [Road]. And are we okay for the October meeting on the 15th. Anyone have a problem.

Board Member Posner stated no, that's okay.

Board Member Olenius stated that's fine.

Board Member Bodor stated okay.

(Inaudible – too many talking).

Board Member Olenius stated that means that the 1st is a Wednesday. That must be a Wednesday.

Board Member Posner stated yeah.

(Inaudible – too many talking).

Board Member Posner stated the 30th, right. Because yesterday was the, what, the 13th.

Board Member Olenius stated it's suppose to be the 3rd Wednesday, the 15th... That's...

Board Member Posner stated yeah, it must be the 1st.

Board Member Bodor stated yes. Wednesday's the 1st. Yeah.

Board Member Posner stated and 30 days in September.

Board Member Bodor stated okay. Anything else. I make a motion to adjourn.

Meeting was adjourned at 8:31p.m.