

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
October 15, 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
October 15, 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 Marianne Burdick, Board Member Lars Olenius, Board Member Marty Posner, Tim Curtiss, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

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

Chairman Buzzutto led the salute to the flag.

There were approximately 15 members of the audience.

Michelle Russo was the Secretary and transcribed the following minutes.

Roll Call:

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

1) Anthony & Erin Galella Case # 09-08

Mr. and Mrs. Galella were present.

Chairman Buzzutto stated alright do you want to.

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, October 15, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

1) Anthony & Erin Galella Case #09-08 – Area Variance; Held over from the September 17, 2008 meeting

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 alright, would.

Board Member Posner stated Galelda.

Board Member Buzzutto stated Gatella.

Mr. Galella stated Galella.

Chairman Buzzutto stated Galella.

Board Member Burdick stated Tim, could you . . .

Tim Curtiss stated yup, I sure can, let me just make sure this is on, yup its on.

Board Member Burdick stated thank you.

Tim Curtiss stated so we have it in the minutes, okay.

Chairman Buzzutto stated you heard the agenda read off, is that pretty much the same as what you have in mind of what you want to do, what's on the a . . .

Mrs. Galella stated yes.

Chairman Buzzutto stated yes, okay, we did do a site walk on the piece of property back last week or two weeks ago. Well, everything seems to be in order, one question was why it couldn't be put over the right hand side, facing the front of the building. You stated that that is where the septic is.

Mr. Galella stated yes, it's to the left.

Chairman Buzzutto stated yeah, facing the front, yeah to the left, yeah.

Mrs. Galella stated I have something from the Health Department if you want to see it.

Chairman Buzzutto stated oh, you did get the okay, fine.

Mrs. Galella stated it was a repair order from '97 when they put a new tank in, so.

Chairman Rogan stated what was that on the septic.

Board Member Posner stated it was on the septic.

Mrs. Galella stated yes, on that sheet it shows a picture, a drawing.

Chairman Buzzutto stated this is the way that it stands today.

Mrs. Galella stated mmhmm.

Chairman Buzzutto stated that seems to be okay.

Board Member Bodor stated could be.

Board Members laugh.

Board Member Burdick stated the drawing is showing why they can't put it here.

Board Member Bodor stated yeah. This does, the rendering that the Applicant has presented to us, shows for sure that there is no space on the wide side yard for an addition due to the existence of the septic being there and you can't build over the septic.

Board Member Burdick stated across it.

Board Member Bodor stated across it, so that's impossible over there and that is where one would think likely because you do have a large side yard there.

Mr. Galella stated yeah.

Board Member Bodor stated there was another question we had too regarding the number of bedrooms.

Mr. Galella stated yup.

Board Member Bodor stated I would like to read into the record from the Code Enforcement Officer his research. "At the previous Zoning Board meeting, Mr. and Mrs. Anthony Galella submitted an application to construct a 14' by 16' addition over an existing 8' by 16' deck. Their intent is to enlarge the existing living area by relocating a bedroom, after the meeting Mrs. Galella explained to this office that there appeared to be a discrepancy regarding the number of bedrooms in the dwelling. According to the records on file, in the Building Department and in reviewing the Assessors' records, it is the determination of this office that the Galella's residence is, was a two bedroom single-family dwelling. A municipal search was conducted in 2004 for the previous owner, Susan Ambrogi, at that time the Assessors' records indicated that this was a two bedroom dwelling. Another municipal search was conducted in 2006, apparently when the current owner Anthony Galella, purchased the dwelling, the Assessors' records indicated that this was a two bedroom dwelling. A copy of the Assessors' card indicates that the bedroom count was change from a two bedroom to a one bedroom dwelling sometime after the municipal search was conducted. It is my understanding from the current owner that the previous owner had removed the wall that separated the two bedrooms, thereby creating one large room. Mr. and Mrs. Galella are requesting to maintain the two bedroom status and relocated the second bedroom to the rear of the dwelling. I trust this explanation clarifies the bedroom count discrepancy, if I may be of further assistance, please feel free to contact me." The importance of this is that currently there is one bedroom in the

dwelling however, the septic was approved for two bedrooms as the dwelling had been, so that question has been satisfied.

Mrs. Galella stated I have the property card here if you want to see it.

Board Member Bodor stated and you have a copy of the property card.

Mrs. Galella stated yeah.

Board Member Bodor stated okay, maybe you want. That is referred to in the letter.

Chairman Buzzutto stated have Rich make a copy.

Board Member Burdick stated she's got two, so maybe we can keep one.

Board Member Bodor stated number of bedrooms had been two and it was knocked down to one. It's on the back.

Chairman Buzzutto stated I just want to (inaudible).

Board Member Bodor stated its up in here, see it had been a two and then it was changed to one.

Chairman Buzzutto stated oh they slashed it yeah.

Board Member Bodor stated can we keep one copy for the record.

Mr. Galella stated yup.

Mrs. Galella stated both of those.

Board Member Bodor stated both of them.

Mrs. Galella stated I have one at home.

Board Member Bodor stated okay, good. Tim would you like to take a look at it.

Tim Curtiss stated sure, I'll put on in my file too, thank you.

Board Member Bodor stated okay, just hold on to one for the record.

Chairman Buzzutto stated want to keep one for the record, do you want to see that.

Board Member Bodor stated I have.

Mrs. Galella stated these also, I think we had mentioned actually that Cheryl had sent something, when we bought the house that it was two bedroom.

Chairman Buzzutto stated can you sort of talk into the microphone.

Mrs. Galella stated oh okay.

Chairman Buzzutto stated I don't know if she can pick that up or not.

Mrs. Galella stated I'm not sure what it is but it's just showing that it was a two bedroom.

Board Member Bodor stated okay.

Chairman Buzzutto stated when you first purchased the house.

Mrs. Galella stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated this certifies that according to the records here, when you were purchasing the house, this information was supplied to Abstractors' Information Service, that it was a two bedroom single-family dwelling and it states where it's located. It is a certification that you were getting what you thought you were getting.

Chairman Buzzutto stated what was the date on that.

Board Member Bodor stated this is September 13, 2004.

Chairman Buzzutto stated 2004.

Board Member Bodor stated this is a search company, I believe.

Mrs. Galella stated I think that was the title company.

Board Member Bodor stated title company, that is the word I'm looking for, great. Okay, someone what to see that.

Chairman Buzzutto stated yes, you seem to cover all . . .

Board Member Bodor stated I will say too, in our hour site walk, I'm sorry you can't go anywhere but out, but back because it makes for a long, narrow house but that's, you're limited.

Mr. Galella stated yeah.

Board Member Bodor stated and that is the way it has to be, so.

Chairman Buzzutto stated we did get a letter on that particular question why she couldn't build up, I don't know if that person is here tonight. That would answer the question on why they can't build on the right side looking at the back of the house or build up because it was cost prohibitive to do that. So what he is doing is basically, the only place where he can really put this little addition and you know, be within the cost range, that answers that question, I don't know, I don't have the letter here.

Board Member Bodor stated yeah, the letter was at the last (inaudible).

Chairman Buzzutto stated yeah, I don't know.

Mrs. Galella stated our well is also on the right side.

Board Member Bodor stated that's right the well is on that side and you have an existing garage over there too.

Chairman Buzzutto stated the well.

Mrs. Galella stated and the front are the leach fields, so it just leaves the back or up and up is like triple the price.

Chairman Buzzutto stated well that was the first thing that came up.

Board Member Bodor stated well up is, up is prohibitive, cost prohibitive because of the structural soundness of the existing, supports wouldn't hold it up.

Chairman Buzzutto stated yeah.

Mrs. Galella stated yes, we would have to re-do the whole floor.

Board Member Bodor stated right, okay.

Board Member Olenius stated I believe you stated at the site walk also that the siding on the addition is to match the existing home.

Mrs. Galella stated the roof line will be the same.

Board Member Olenius stated and the roof line is the same as well.

Chairman Buzzutto stated and the finishing of the structure will be the same materials.

Mrs. Galella stated mmhmm.

Chairman Buzzutto stated that will be in the reso anyway, okay fine. Do we have any input from the audience on this particular case. The hearing is done, do you have any more question.

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

Board Member Burdick seconded the motion.

The Secretary stated you want roll call.

Board Member Bodor asked for all in favor:

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

Motion carried on a vote of 5 to 0.

The Secretary stated I'm sorry.

Chairman Buzzutto laughs.

Chairman Buzzutto stated okay, do you have something. Lars will read the reso.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF

Anthony & Erin Galella Case# 09-08

FOR AN AREA VARIANCE

For Construction of a 14' x 16' Addition

WHEREAS, *Anthony and Erin Galella are* the owners of real property located at 3 Ulster Road (RPL-10 Zoning District), also identified as **Tax Map Parcel # 36.56-1-3, and**

WHEREAS, *Anthony and Erin Galella* have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations for construction of a 14' x16' addition, which will consist of a bedroom, over an existing 8' x 16' deck, and

WHEREAS, §154-7 of the Patterson Town Code requires a 20' rear yard setback in the RPL-10 Zoning District; Applicant will have 9.6'; ***variance requested is for 10.4'***, 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 and October 15, 2008, and a site walk conducted on September 24, 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 addition will be well screened at the rear of the home.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the existing septic system placement, as well as the well.***
3. the variance requested ***is*** substantial ***however not so much as to deny the variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because construction will be over an existing deck, so as not to increase impervious coverage on the lot.***
5. the alleged difficulty necessitating the variance ***was self-created*** but ***is not*** sufficient so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Anthony and Erin Galella* for an *area variance of 10.4'* from the rear yard setback of 20' as required in the RPL-10 Zoning District as set forth by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to permit a 9.6' rear yard setback between the 14' x 16' addition and the rear property line.

Board Member Burdick seconded the motion.

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 ah, yes, okay.

Mr. Galella stated okay.

Chairman Buzzutto stated go to the . . .

Board Member Posner stated go to Building Department.

Chairman Buzzutto stated the Building Department, you can get the rest of your paraphernalia and stuff like that.

Mrs. Galella stated okay, thank you.

Chairman Buzzutto stated thank you for your cooperation.

Board Member Burdick stated good luck.

Board Member Olenius stated good luck.

Chairman Buzzutto stated and I just want to cover, covered all angles, thank you very much.

Mr. Galella stated thanks, have a good night.

Mrs. Galella stated thank you.

Board Member Posner stated good night, you too.

Chairman Buzzutto stated now we have, okay.

2) Edwin Davila Case # 11-08

The Secretary stated Davila, I don't know if everybody saw the memo from Sarah.

Board Member Bodor stated mmhmm.

The Secretary read the following legal notice.

2) 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 ≤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 Bodor stated this is.

Chairman Buzzutto stated Joseph and Andrea.

Board Member Bodor stated no, is Mr. Davila here.

Chairman Buzzutto stated Neri.

Board Member Bodor stated is Mr. Davila here or some one representing him, okay. Regarding the Davila case, I have a memo I would like to read into the record, this is to the Zoning Board from Sarah the Zoning Board Secretary, dated October 15th, that's today, regarding Edwin Davila, Case # 11-08. "In regards to Edwin Davila, Case # 11-08, Mr. Davila came into the office and verbally requested to withdraw his application on September 19, 2008. He was told that a writing request to withdraw the application was needed and on October 8, 2008, I called and left a message reminding Mr. Davila that a written request was still needed, since the office had not received anything. On October 14, 2008, I called and left another message letting Mr. Davila know that we still have not received a written request from him to withdraw his application and that he would remain on the agenda for October 15, 2008 meeting if we did not receive anything. The office still has not received anything besides the verbal request to withdraw the application back in September."

Chairman Buzzutto stated okay.

Board Member Bodor stated that is where we stand.

Tim Curtiss stated no further action is he submitted nothing further at this point.

Board Member Bodor stated no.

Board Member Posner stated no.

Tim Curtiss stated then what I would do is just mark the application withdrawn without prejudice, if he wants to come back but basically he hasn't prosecuted the application.

Chairman Buzzutto stated well is that actually withdrawing the application if we do that.

Tim Curtiss stated well if he's not here, I don't whether you want to grant it or deny it, he's not here to present his case, it is going to continue to be held over unless you mark it off your calendar at this point.

Board Member Bodor stated this case we did hear.

Tim Curtiss stated oh you did hear, okay I'm sorry.

Board Member Bodor stated we did hear it, so its open.

Chairman Buzzutto stated yeah we were going to take a site walk on it and he cancelled.

Board Member Burdick stated he withdrew, the application.

Tim Curtiss stated do you have enough information to make a decision at this point, having discussed it when he was here the last time.

Board Member Bodor stated no, because we didn't get to go out and walk the property as we desired to do.

Tim Curtiss stated okay, well then you can deny it on the failure of the proof because you didn't get a chance to do a site walk. He's denied you the opportunity for a site walk and then he would just have to come back in here to re-present it, if he wanted to at that point in time.

Chairman Buzzutto stated he would have to get a new application.

Tim Curtiss stated correct.

Chairman Buzzutto stated start right from scratch again.

Tim Curtiss stated start from scratch, come in, make his application and you know obviously you want a site walk, it's a pool in the front yard because you want to see what the affect is on the neighborhood and you go right back through the process again.

Chairman Buzzutto stated yeah.

Tim Curtiss stated the only other thing is you can hold it over for another month and call and say, if we don't get a written request to withdraw, then we are going to have to take action to deny your request.

Board Member Bodor stated I think I would rather go that route.

Tim Curtiss stated okay, you can do that yeah.

Board Member Bodor stated if a memo could go out to him.

Tim Curtiss stated just tell him that he has to submit something in writing prior to the next meeting, otherwise the Board if going to have to take action based on what they have in the record, which obviously wouldn't be sufficient for you guys to make a decision.

Board Member Bodor right, is that agreeable to everyone.

Chairman Buzzutto stated yeah, that's agreeable.

Board Member Burdick stated yes.

Board Member Bodor stated so we'll leave this, we'll hold this one over then, pending the memo that will go out to Mr. Davila.

The Secretary stated okay.

Board Member Bodor stated thank you.

Chairman Buzzutto stated very good.

Board Member Bodor stated next case.

Chairman Buzzutto stated we'll go to the next case.

3) Joseph & Andrea Neri Case# 12-08

Mr. Joseph Neri was present.

The Secretary read the legal notice:

2) Joseph & Andrea Neri Case #12-08 – Area Variance

Applicants are requesting an area variance pursuant to §154-27 B(5) of the Patterson Town Code; Permitted accessory uses, in order to install an outdoor furnace. The Code requires a minimum of 10 acres and 200' from the property line. Applicant has 14+ acres and is 146.5' from their side property line. Variance requested is for 53.5'. This property is located at 478 East Branch Road (R- 4 Zoning District).

Chairman Buzzutto stated Mr. Neri.

Board Member Bodor stated step to the microphone please.

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

Mr. Neri stated sure.

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

Mr. Neri stated I do.

Board Member Bodor stated your name is, sir.

Mr. Neri stated Joseph Neri.

Chairman Buzzutto stated address.

Mr. Neri stated 478 East Branch Road, Patterson, New York.

Chairman Buzzutto stated you heard what was on the agenda, has that changed in anyway.

Mr. Neri stated no sir.

Chairman Buzzutto stated okay.

Board Member Bodor stated would you like to explain to us in your own words, what you are up to over there.

Mr. Neri stated well, um, you know how energy costs have gone up and everything, I'm in the landscaping business and wood is a good source of energy, it's a renewable resource. I've investigated other way of doing it because I really didn't want to come and ask for a variance; unfortunately everything else was unfeasible to do. Like an indoor wood furnace that they have, they have many new ones on the market now, it involved too much, extreme amounts of work, new chimneys all that kind of stuff so. This, I found this product and I've done some research on it and it's one of the most environmentally safe wood furnaces out on the market. It's not a wood stove, it's a converter, which work quite differently then the old wood stoves, it has very low emissions, very little smoke, as a matter of fact it produces very little ash because the wood is almost gasified and it is very efficient, you know, we get all the heat. Also, it is a low consumption of wood, again I, due to the nature of the property there is quite a lot of rock so I'm kind of limited also, where the positioning of my boiler system is and where everything is located, the most feasible place to put it is in this location, which will put it at about fifty to sixty feet away from the house, you know, just enough. Also my plans are to completely, there are no structures near the property or where the thing is to be located which would make it visible to any of neighbors however, just in case, like I said I'm in the landscaping business and I don't even want to see it myself, I already have plans for complete landscaping to completely seal it off, so it would not create any unsightly eyesores to anybody, primarily myself.

Chairman Buzzutto stated what do they run in size, I mean are they. . .

Mr. Neri stated everything is spec'd on the thing that I gave you, the thing that I provided you with, in terms of the dimensions of the wood stove. I think its like a four by six or a two by six, something like that, its not a large structure by any means, it's a very small.

Tim Curtiss stated how high is it off the ground.

Mr. Neri stated I think off the ground, it might be at the most five feet.

Chairman Buzzutto stated is that a smoke. . .

Mr. Neri stated it has a tiny smoke stack.

Chairman Buzzutto stated I thought. . .

Mr. Neri stated as you can see in the picture, that is the one that is depicted, that is the one, I mean, I brought some other ones, they are very ugly but they kind of make but this is not the one I'm putting in. You can see it in the picture over there, its not really a unsightly. Like I said, I'm not looking to create.

Chairman Buzzutto stated I don't know much about these, that wood is to heat what, hot water.

Mr. Neri stated heat my house.

Chairman Buzzutto stated I mean is it hot air going into the house.

Mr. Neri stated no actually there is a thermal pipe which gets buried about four feet under ground.

Chairman Buzzutto stated oh.

Mr. Neri stated and it goes into the house to a heat exchanger, which it works right off my boiler system and when I don't want to use the wood stove, like during the summer months, I'll use my boiler to heat my hot water.

Chairman Buzzutto stated yeah but I mean, it doesn't heat hot water, for baseboard heat or anything like that.

Mr. Neri stated well no, it will actually heat my entire house through a heat exchanger through the existing system.

Board Member Bodor stated and your domestic water, your domestic hot water is heated through that too.

Mr. Neri stated yes, it will heat my domestic hot water too because what happens is it gets connected to the, in other words there is a heat exchanger, which are my circulators, will go, instead of the boiler heating the water, this unit will heat an exchanger which in turn, let me provide you with, excuse me one second. These are just typical things that come on, you can hook it up and stuff like that, what happens is you really are not touching any of the existing heating system, you are just adding to it and I can just switch off to it and when I want to use my boiler. I can just shut it off and use my boiler and when I want to use the wood stove, I can use the wood stove. It's all done through, my water circulates, in other words, the water from furnace does not get mixed with the water from my interior heating system, they are both independent of each other.

Mr. Curtiss stated so the heat exchanger exchanges the heat.

Mr. Neri stated yeah.

Chairman Buzzutto stated it is Fire Underwriter approved.

Mr. Neri stated yes sir, everything is Fire Underwriter, as you can see on the brochure, the other brochure provides all the information that it's a, it's also most EPA recommended units that is out there for environmental protection and all.

Board Member Olenius stated being that this supply loop runs outside to this furnace, does there have to anti-freeze in this loop.

Mr. Neri stated it doesn't have to be anti-freeze, they way they say, I will probably, if anything it will be the same stuff that we do inside the house, like that you put, it would be a safety measure to put that in, I probably would do that but they don't require, they say just to run regular water, also there isn't any constant open thing that would provide any hazard to anything.

Board Member Olenius stated it's a closed loop.

Mr. Neri stated it's a completely sealed unit.

Chairman Buzzutto stated is there anything dangerous about them, I mean.

Mr. Neri stated not really, as you can see its very simple to use product, you just load the wood and it's totally electronically controlled and its not burning at full blast, it's constantly, as the heat is required, it has an electronic brain that tells it kind of when to open the vent and shoot with the blower to make the fire go or it kind of stays simber, limber to just burn, maintain the flame.

Chairman Buzzutto stated do they give off much smoke.

Mr. Neri stated very little, it provides on the back of the brochure, it provides, I think very little smoke and the heat of the smoke is only 300 degrees, versus 800 or 900 degrees of the other conventional wood furnaces. So its not a, like I said, I'm aware of the environment and that was one of the major um, issues that a lot of Towns have heard of, have had issues with, also you know being safe and environmentally friendly so, this is one of the top units that would do that. In other words you are not going to see a smoke stack going like, you have a plant going on, nothing like that.

Chairman Buzzutto stated how practical are they, are they. . .

Mr. Neri stated they are very. . .

Chairman Buzzutto stated (inaudible).

Mr. Neri stated well, um, they've, I know several people who have installed them upstate New York, not specifically this unit but others and they are very, very efficient in terms and they work. I have chosen this particular model like I said, it uses small amounts of wood, it is the most environmentally friendly, its easy for me and smaller than the rest of the other units and it will take care of my house and help me with the heating. I'm not looking to run it all year round because it's a little bit of work but I would like to you know, being the way oil is, we are just looking for alternative ways of taking care of things.

Chairman Buzzutto stated is there any input from the audience on this case. You want to come up and give your name sir.

Board Member Bodor stated you have to take the microphone because we need to speak into it.

Rich Williams stated two seconds.

Board Member Bodor stated why, is that not working.

The Secretary stated the battery is dying.

Tim Curtiss stated the battery is going dead.

Rich Williams stated its fine.

The Secretary stated I caught it before it died.

Board Member Bodor stated thank you.

The Secretary stated you're welcome.

Board Member Bodor stated a lot of recreating to do.

Harvey Strode stated good evening my name is Harvey Strode and I represent the VFW at 4 Fairfield Drive in Patterson, which is directly below our neighbor Mr. Neri. And we object to his use of this unit to help, I appreciate that he wants to reduce his independence on whatever kind of heating that he has but there will be smoke, he says he's in the landscaping business and I believe that this is just a beautiful way to get rid of his excess landscaping debris that

he might have. He can run this all year and once you allow this, there is no taking it back. We vehemently do not want to have this done.

Chairman Buzzutto stated I don't follow what you say.

Harvey Strode stated we have outside activities for our children, we provide in Putnam Lake, the only community venue for the Boy Scouts, the Girl Scouts, all year round, those kids play in our yard. His property is directly up above us, the smoke will come down, it will have an effect on the quality of life in our neighborhood.

Chairman Buzzutto stated I see.

Harvey Strode stated and remember once you give him the variance he can burn anything, he can burn tires, he can burn garbage, he can burn anything.

Mr. Neri stated I.

Board Member Bodor stated ah.

Chairman Buzzutto stated wait, wait.

Harvey Strode stated he can burn anything, I have researched this also, once I got the notice, so I implore you deny his request.

Board Member Bodor stated thank you for your input, your concerns.

Chairman Buzzutto stated thank.

Board Member Bodor stated (inaudible).

Maryann Hoblock stated can I speak.

Chairman Buzzutto stated yeah.

Board Member Bodor stated we need you to come up front and give us your name please and your location as far as where you are to this project.

Maryann Hoblock stated my name is Maryann Hoblock, my husband and I live at 481 East Branch Road, directly across the street. We had not heard anything about this whole idea up until this afternoon. If the smoke does blow down wind, that's my house, I have three children and my mother-in-law. Our concern is for the health of the people in my house as well as the neighborhood. We have an older woman who lives right next door to us, who has health problems and we don't want to see it negatively impact anyone in the area, including ourselves. If it is down wind from my house, I can not open my living room windows, I can not leave my front door open and my concern is, that is going to be a negative to where I live and to my family.

Tim Curtiss stated thank you.

Chairman Buzzutto stated thank you.

Board Member Bodor stated thank you for your input. Let me just pick up on something that you did say however, did you say that you only heard about this this afternoon.

Maryann Hoblock stated yes.

Board Member Bodor stated you never received a written notice.

Maryann Hoblock stated no, no.

Board Member Bodor stated and you're right across the street.

Maryann Hoblock stated yes, we are at 481.

Board Member Bodor stated that certainly would be within five hundred feet, that's my concern.

Tim Curtiss stated that is within five hundred feet, you have a notice problem at that point. Did we get the certified receipt back.

The Secretary stated they don't go certified.

Tim Curtiss stated they don't go certified.

The Secretary stated they do not.

Tim Curtiss stated do we just have proof of mailing.

The Secretary stated we have our list that was mailed out.

Tim Curtiss stated okay, Rich.

Rich Williams stated Mary, I can check the list real quick.

Tim Curtiss stated okay.

Board Member Bodor stated we would appreciate that.

Tim Curtiss stated just to make sure everybody got noticed it was again.

Rich Williams stated or maybe not.

Board Member Posner laughs.

Chairman Buzzutto stated the gentleman in the back, you have, come up and give your name and address.

Michael Turnyanszki stated social security number.

Board Member Bodor stated no, no, no.

Board Member Posner stated no, we don't need that.

Michael Turnyanszki stated Michael Turnyanszki, I live at 521 East Branch Road, I'm across the street from the property in question. My concern would be just given that there are fourteen acres, that the property, that the location of the furnace abide by the two hundred foot, you know vari, two hundred feet from the property line.

Board Member Posner stated okay.

Board Member Bodor stated okay, thank you very much. Is there somebody else that would like to. . .

Chairman Buzzutto stated there was somebody else that would like to. . .

Board Member Bodor stated speak regarding this, yes, come forward if you have some input.

Marguerite Short stated oh thank you.

Tim Curtiss stated there you go.

Marguerite Short stated do I have to push the button.

Tim Curtiss stated nope, it's on.

Marguerite Short stated okay, I just wanted to say that the veterans. . .

Chairman Buzzutto stated you want to give your name.

Marguerite Short stated Marguerite Short.

Chairman Buzzutto stated and you live.

Marguerite Short stated I live at 2 Sharon Road, actually I don't live near, in the area, I don't live in the VFW but I live a few blocks away and my husband is a member of the VFW and they do a lot of wonderful things for the children and for the community. I think it's important that the veterans have a place, safely to enjoy their activities and the children as well. So I just wanted to say that if it means this much to them, that they come, I support them as well, thank you.

Board Member Bodor stated thank you.

Chairman Buzzutto stated alright, that you very much for that.

Board Member Posner stated thank you.

Chairman Buzzutto stated alright, nobody else back there.

Board Member Bodor stated I had one question.

Mr. Neri stated yes ma'am.

Board Member Bodor stated where you are proposing to put this, what, looking out in a circle from that spot, what is out there, are there houses anywhere.

Mr. Neri stated the position, if I may speak, I don't know if I may speak.

Board Member Bodor stated microphone.

Tim Curtiss stated the microphone sorry.

Mr. Neri stated if I may speak, the position and location of this furnace is well over probably, over 700 feet away from the VFW parking lot and it sits about probably on the line level over 200 feet higher or 75 feet higher in elevation. And I can imagine from the lady across the street, I have three kids, I have a lot of people coming to my house, I have young kids come into my house and from the research I've done, there doesn't seem to be any concern in terms of health hazard. I am not planning, I bought the property, I came into the Town of Patterson a few years ago and I like the Town and I've done a lot of work, I think I've kind of enhanced the Town in a way because I built a beautiful house and I'm doing quite a good contribution to the Town taxes and all. I don't think that I'm, how do you say, depreciating it, the neighborhood nor am I creating a hazard for the neighborhood because if I did think so I would never be here to ask you, ma'am, sirs, for permission to install this kind of a unit. I don't think there is any health hazard and also there isn't anybody near by there, all the local people burn in their, with a burning permit, at any given time they can get a permit issued from the Town and you can burn in your barrels anything you want from newspaper, which smell a hell of a lot, excuse my, more then this would. And they are more often then time, create more of a hazard then this, I'm not planning on burning grass, I can't, its inefficient, I'm only planning on burning clean wood which I'm not bringing in from other jobs, I have plenty of wood on my property, I do have fourteen acres, for anybody that might be concerned. I understand that there are other issues with the people and I can agree with them, you know, nobody knows about it, but I am quite a distance away from any of these people and I don't think that smoke will hinder, its not going to be enough to reach anybody. One of the reasons why I picked this unit is because of its low smoke productivity and its cooled smoke productivity, its not, it won't be stacked, if you remember those were my first, some of my first words that I said to you that it is not a smoke producing machine. That is one of the reasons why I picked this unit, it doesn't take and if you read on it, its doesn't recommend burning anything but wood, no pallets, not grass, no twigs but solid pieces of wood. If you have any other questions I would be more then happy hopefully.

Board Member Bodor stated yeah, I still, where are you proposing this, if you are standing on that spot, can you see any residences, any buildings.

Mr. Neri stated no ma'am, Mr., you can not see anybody, Mr. Banks chicken coop is visible from there, other then that, nothing ma'am.

Board Member Bodor stated okay, now if you are fourteen acres, why couldn't you place it within the . . .

Mr. Neri stated the way the location of the house is proposed and where my boiler room is and the nature of the ground, ma'am which is all ledge, that is the one of the most feasible area I could go to enter the house.

Board Member Bodor stated the reason I ask that because the reality of it is, that if you can keep it within the two hundred, you wouldn't even be here.

Mr. Neri stated oh no, well ma'am, believe me if I could have I would have done it and I'm not that, maybe if you deny me the thing I might find a way to do it, I hope I don't have to just in spite of things for some people that are here tonight and then they can't do nothing about it. I'm not here to create any problems with my neighbors, we did get off to a bad start with my neighbors in the beginning when I first moved up here but I thought we were beyond that and we resolved our differences and this has nothing to do with, I'm not trying to depreciate my neighborhood, my house

is one of the most valuable houses in the neighborhood, I pay the highest taxes in the neighborhood, nobody around there pays the taxes I pay, within a three mile radius, so you know take it for, you know, that is where I'm standing.

Board Member Bodor stated okay, I would like to go out and take a look at this.

Board Member Burdick stated so would I.

Chairman Buzzutto stated yeah.

Tim Curtiss stated I was just going to say I think you should go on a site walk and if you can, one of things that you have establish that is not going to change. If you can get some information or data from the manufacturer as to how much smoke is created by one of these things, that would be helpful.

Mr. Neri stated I will try to do my best, I've done this online, they've sent me quite a bit of information, I'll see about requesting some more information.

Tim Curtiss stated about the smoke and what its going to discharge.

Mr. Neri stated like I said the discharge is no hotter then 300 Fahrenheit.

Board Member Bodor stated we would like to see that documented though.

Mr. Neri stated well they are documented, I didn't make it up ma'am, and it's stated in that document in the back, the smoke that exits is no more 300 Fahrenheit.

Board Member Burdick stated yeah but that's temperature.

Board Member Bodor stated that's temperature, that is not talking the volume.

Mr. Neri stated the volume, the volume is even less, that's telling you.

Board Member Bodor stated but we don't know.

Mr. Neri stated like I said, I'll see about.

Tim Curtiss stated you should have some data on that.

Mr. Neri stated okay ma'am.

Board Member Burdick stated there is also a telephone number on here, so if you can't find it online you should probably call.

Mr. Neri stated I will find them and see about getting information.

Chairman Buzzutto stated I believe some time ago there was a bulletin on outdoor stoves. Rich, can you recall a bulletin that came out on outdoor furnaces, sometime ago.

Rich Williams stated there was one put out five years ago by Cornell.

Chairman Buzzutto stated right, there was something put out and it evaluated all the pros and cons about wood burning stoves, furnaces.

Rich Williams stated not that I recall.

Chairman Buzzutto stated I will have to look through my.

Mr. Neri stated they have some that you can do, you burn dual stuff, fuel, they have some that they can burn coal and you can burn, I don't want, this can not burn coal in it, it can only burn wood. They have some that you can burn anything you want in it like pallets, debris, like the gentleman said before, they do have some units out there that you can do that. But again, I came here with a product I feel that it will not endanger the neighborhood in anyway and also feasible for me to handle and do it in the right way. That's why.

Chairman Buzzutto stated it's very good that you are doing it that way but we would like to get more information on this, so Mary suggested a site walk, which we will do and I think there is more information, I may even have home on, all these types of.

Mr. Neri stated yes sir.

Tim Curtiss stated the types of furnaces that they are.

Mr. Neri stated they call this a converter, they call this a wood converter, then you have the old boiler, the old type boilers, which work in a different way, so you really don't, try not to get this confused with a regular outdoor wood furnace, that is what I would like to ask the panel.

Board Member Bodor stated please get us all the information you can on this particular unit.

Mr. Neri stated I will, I will do that, no, no, I would be more then happy to do it.

Board Member Bodor stated safety issues and all.

Mr. Neri stated I would just like to clarify that point.

Board Member Bodor stated okay.

Mr. Neri stated that, because there is a very different way that they both work and the amount of smoke they each produce is very different, okay.

Board Member Bodor stated alright.

Board Member Burdick stated thank you.

Mr. Neri stated thank you very much for your time.

Chairman Buzzutto stated on the list of the 500, Rich.

Tim Curtiss stated is that alright.

The Secretary stated yes.

Rich Williams stated I did verify it, there were actually a couple of names on there that didn't need to be on there but he had everybody that was required.

Chairman Buzzutto stated but everybody that is (inaudible).

The Secretary stated yes, her name is on both of these lists.

Chairman Buzzutto stated alright, good.

Rich Williams stated ma'am can we have your name for the record, do we have it.

Tim Curtiss stated we do.

Maryann Hoblock stated Hoblock, H-O-B-L-O-C-K, we've received nothing in the mail.

Rich Williams stated we can check and see if its on the list.

The Secretary stated um, your name is actually on both the lists, so notice. . .

Maryann Hoblock stated we received nothing.

The Secretary stated well notice was sent, that's all I can.

Board Member Bodor stated is the address correct.

The Secretary stated 481 East Branch Road, Patterson, New York 12563.

Maryann Hoblock stated mmhmm.

Board Member Bodor stated and that is where you get your mail, not a P.O. Box.

Maryann Hoblock stated yup.

The Secretary stated that is where notice was sent.

Maryann Hoblock stated right on the street, just like all the other mailboxes.

Chairman Buzzutto stated now, this will be tabled.

Tim Curtiss stated it will be tabled, it will be held off until November.

The Secretary stated 24th.

Tim Curtiss stated 24th, yeah.

Chairman Buzzutto stated can that gentleman. . .

Board Member Bodor stated yeah, it's still open.

Tim Curtiss stated sure.

Michael Turnyanszki stated I just wanted to repeat.

Board Member Bodor stated you need to come up and speak to the microphone please.

Tim Curtiss stated otherwise we won't be able to take your minutes, you comments.

Board Member Bodor stated it is the only way it gets into the minutes.

Michael Turnyanszki stated I just want to repeat. . .

Board Member Board stated name.

Michael Turnyanszki stated Michael Turnyanszki, 521 East Branch Road, we have zoning on the books with required set backs, if a property owner wants to go through with putting in a converter of this type, I just think we should abide by the codes and the set backs and the zoning that exists.

Board Member Bodor stated thank you.

Chairman Buzzutto stated thank you, we appreciate it.

Michael Turnyanszki stated obviously I am a proper. . .

Board Member Bodor stated thank you.

Chairman Buzzutto stated alright, so we are going to table this, now you will not be notified again of the next meeting, so it will be on the agenda next month again, so.

Board Member Bodor stated November 24th will be the next meeting.

Mr. Neri stated will you let me know when you are going to come by.

Board Member Bodor stated we will contact you, yeah, is there sometime that is really bad for you.

Mr. Neri stated just let me know and I will be more than happy to be there.

Board Member Bodor stated you'll be there, okay, thank you.

Board Member Burdick stated thank you.

Chairman Buzzutto stated okay, thank you very much.

Mr. Neri stated have a good evening.

Board Member Posner stated yup, you too, thank you.

Chairman Buzzutto stated okay its been tabled.

Board Member Olenius stated no, it's a Monday.

Tim Curtiss stated it's the Monday before Thanksgiving.

Board Member Olenius stated it's always that, its always a Monday.

Board Member Posner stated I'm glad you said that (inaudible).

Tim Curtiss stated initially when they came out, yeah they worse then (inaudible), I'm not sure this unit was part of the original.

Board Member Burdick stated it seems like it's a little different.

Tim Curtiss stated a little more advance then the original.

Board Member Burdick stated yeah, more efficient.

Chairman Buzzutto stated many, many (inaudible).

Board Member Bodor stated this is a new one.

Board Member Burdick stated this is something that could (inaudible), I think it burns it hotter, much more efficient.

Board Member Posner stated it converts it, yeah. Its not a wood stove, it's so different.

Board Member Burdick stated I was going to say that, I didn't want it on the record.

Board Member Olenius stated I didn't say a last name.

Board Member laugh.

The Secretary stated are you ready, you want me to read it.

Chairman Buzzutto stated you can read it, go ahead.

4) Alexander Gabriel Case # 13-08

Mr. Alexander Gabriel was present.

The Secretary read the legal notice:

4) Alexander Gabriel Case #13-08 – Area Variance

Applicant is requesting an area variance pursuant to §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to place a 10' x 20' shed on a pre-existing concrete slab. The concrete slab is located 12.5' from the side property line; Code requires 20'; Variance requested is for 7.5'. This property is located at 869 East Branch Road (R-4 Zoning District).

Board Member Posner stated okay.

Chairman Buzzutto stated okay, if you want to give your name and address.

Mr. Gabriel stated it's Alexander Gabriel.

Chairman Buzzutto stated raise your right hand sir.

Mr. Gabriel stated 869 East Branch Road.

Chairman Buzzutto stated (inaudible – too many speaking) you provide tonight.

Mr. Gabriel stated yes.

Board Member Bodor stated go ahead, he was giving his address the same time you were asking a question.

Chairman Buzzutto stated okay, to be the truth, the whole truth.

Board Member Bodor stated listen up.

Chairman Buzzutto stated okay, you heard it, is there anything that you want to put into your own words on this particular. . .

Mr. Gabriel stated its pretty self explanatory, it is a pre-existing slab, that is the reason I want to put it where it is.

Tim Curtiss stated was there ever a shed on there originally.

Mr. Gabriel stated there was a shed on the property the same distance from the line just further down, that was a dog pen originally.

Tim Curtiss stated oh okay,

Mr. Gabriel stated I actually took it down last week. As far as like an obstruction, it basically takes up the same area.

Chairman Buzzutto stated I got mixed up here.

Board Member Bodor stated you took that other shed down.

Mr. Gabriel stated no, the shed actually was down before I bought the property, it must have rotted. . .

Board Member Bodor stated what did you take down last week.

Mr. Gabriel stated the dog pen that was on the pre-existing slab.

Board Member Bodor stated oh, the dog pen that was on the pre-existing slab that you want to build on now.

Mr. Gabriel stated right.

Board Member Bodor stated okay.

Mr. Gabriel stated so, it was fence this high and all.

Board Member Bodor stated so that was a dog pen, that's what is was there for.

Mr. Gabriel stated right.

Board Member Bodor stated alright.

Board Member Burdick stated and what about the metal shed behind that, is that still there.

Mr. Gabriel stated that's been. . .

Board Member Bodor stated that's gone.

Mr. Gabriel stated that's been gone.

Board Member Bodor stated its still on the survey. What is the neighbor like over there, do you have someone living over there.

Mr. Gabriel stated I got horses.

Board Member Bodor stated horse.

Mr. Gabriel stated yeah, it's the big horse farm he's building.

Board Member Bodor stated the polo.

Mr. Gabriel stated yup.

Board Member Bodor stated you're adjoining that.

Mr. Gabriel stated yes I am.

Board Member Bodor stated do you think the horses will object.

Mr. Gabriel stated I don't know, they haven't yet, there was one that was giving me a little bit of, there's one he's noisy as heck, a little pony.

Chairman Buzzutto stated okay.

Board Member Bodor stated what do you plan to use the shed for.

Mr. Gabriel stated the lawn mowing equipment, the kids toys for the winter, all the summer long furniture, things like that.

Board Member Bodor stated the usual uses.

Mr. Gabriel stated yeah.

Board Member Bodor stated electricity.

Mr. Gabriel stated no.

Chairman Buzzutto stated the slab was originally built for the dog pen.

Mr. Gabriel stated right.

Chairman Buzzutto stated was there something else on there.

Mr. Gabriel stated I think it was originally used for a dog pen.

Board Member Bodor stated you plan to do the construction yourself or are you having something brought it.

Mr. Gabriel stated I'll do it myself.

Board Member Bodor stated and you'll do a nice job, its going to be a nice little building.

Mr. Gabriel stated it's going to look just like the garage I have, gambrel roof, it looks just like the farm.

Board Member Bodor stated you have an older garage, yes.

Mr. Gabriel stated yes.

Board Member Bodor stated where is the garage, is this indicating the garage right there.

Mr. Gabriel stated yes that is.

Board Member Bodor stated oh okay.

Mr. Gabriel stated both the house and the garage and the barn we painted red with the white, it will all match.

Board Member Bodor stated oh okay.

Chairman Buzzutto stated twelve and a half feet, what's he need.

Board Member Bodor stated what is the distance from the house, do you know.

Mr. Gabriel stated no, I'm going to say thirty, forty feet.

Board Member Bodor stated it looks definitely to be enough.

Chairman Buzzutto stated yeah.

Board Member Bodor stated right.

Board Member Burdick stated that is fifty-six.

Chairman Buzzutto stated it looks like it has enough distance between the two.

Board Member Bodor stated yes it does.

Chairman Buzzutto stated yeah. Are you across from the polo, you said.

Mr. Gabriel stated that borders on that whole. . .

Board Member Bodor stated next door.

Chairman Buzzutto stated yeah.

Mr. Gabriel stated all that property, that's all the polo place. You can't see it from the road and no neighbor is really going to see.

Chairman Buzzutto stated is that very active, the polo.

Mr. Gabriel stated sometimes. He hasn't done any outdoor polo yet, he's done indoor but I think next season when the grass has to be rooted for so long, he'll start doing that. He's boarding twenty more horses this year I think.

Board Member Bodor stated wow.

Chairman Buzzutto stated do I have any input from the audience on this. It seems to be pretty well in order here.

Board Member Bodor stated does anyone have anything further.

Board Member Posner stated I don't.

Chairman Buzzutto stated the shed is 10' by 20'.

Board Member Bodor stated mmhmm.

Mr. Gabriel stated yes.

Board Member Bodor stated if there is nothing further, I'll make a motion to close the public hearing.

Board Member Posner seconded the motion.

Board Member Bodor asks for all in favor:

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

Motion carries by a vote of 5 to 0.

Chairman Buzzutto stated the public hearing is now closed. Who wants the reso, Lars.

Board Member Bodor stated Lars is writing down there.

Board Member Posner stated second it.

Chairman Buzzutto stated Marty take it.

Board Member Posner stated no.

Tim Curtiss stated (inaudible) in speed writing.

Board Member Olenius read the resolution:

IN THE MATTER OF THE APPLICATION OF
Alexander Gabriel Case # 13-08
FOR AN AREA VARIANCE
For Construction of a 10' x 20' shed

WHEREAS, *Alexander Gabriel* is the owner of real property located at 869 East Branch Road (R-4 Zoning District), also identified as **Tax Map Parcel # 24.-2-37, and**

WHEREAS, *Alexander Gabriel* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, for construction of a 10' x 20' shed on a pre-existing 10' x 20' concrete slab, and

WHEREAS, §154-27 A(12)(b) of the Patterson Town Code states that a shed shall not be nearer to any side line than is specified in the schedule, and

WHEREAS, the Code requires a side yard setback of 20' in the R-4 Zoning District; Applicant has 12.5'; ***variance requested is for 7.5';*** 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 October 15, 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:

6. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the shed is in the rear of the house, well out of view.***
7. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the concrete pad to be built upon is pre-existing.***

8. the variance requested *is* substantial ***but not so much as to cause a denial of the variance.***
9. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because there will be no increase in impervious surface due to the fact that the concrete pad is already in existence.***
10. the alleged difficulty necessitating the variance ***was not self-created nor is 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 ***Alexander Gabriel*** for ***an area variance of 7.5' from the side yard setback of 20'*** as required by §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to permit a 12.5' side yard setback between the proposed 10' x 20' shed on a concrete slab and the side property line.

Board Member Burdick seconded the resolution.

UPON ROLL CALL VOTE:

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

The resolution is carries by a vote of 5 to 0.

Chairman Buzzutto stated he still has to get a permit for the 10' by 20' though, the over size.

Board Member Olenius stated that is why he's here.

Board Member Burdick stated he went.

Board Member Olenius stated Dave denied it, that's why he's here.

Tim Curtiss stated Dave denied it and sent him here, when he went for the building permit, Dave said, look you have a side line variance you need and sent him over here. Now that you have the variance you can get your building permit.

Board Member Posner stated that's why he's here.

Board Member Olenius stated he had already applied for a permit.

Chairman Buzzutto stated okay, I got ya.

Board Member Olenius stated good luck.

Mr. Gabriel stated thank you.

Mr. Robert Delorenzo and Mr. Richard Hanlon were present.

Chairman Buzzutto stated okay, Mr. Delorenzo.

The Secretary stated ready.

The Secretary read the legal notice:

5) Robert Delorenzo Case #14-08 - Area Variance

Applicant, who is acting on behalf of Richard Hanlon, is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 20' x 28' addition on a pre-existing concrete foundation. The Code requires a 15' front yard setback; Applicant can provide 14'2". This property is located at 20 Sharon Road (RPL-10 Zoning District).

Mr. Delorenzo stated good evening, I'm Bob Delorenzo on behalf of Rich and Katherine Hanlon. It's actually closer to 14.4 inches.

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

Mr. Delorenzo stated oh, I started too early.

Chairman Buzzutto stated do you swear that testimony you provide tonight is the truth, the whole truth.

Mr. Delorenzo stated yes I do.

Chairman Buzzutto stated thank you.

Mr. Delorenzo stated sorry about that.

Chairman Buzzutto stated Sharon Road, where is Sharon Road.

Mr. Delorenzo stated Put. Lake, you come around from the fire department, it's the second or third on the left.

Chairman Buzzutto stated near Empire.

Board Member Olenius stated between Empire and Warren I believe.

Mr. Hanlon stated you make a left at the monument, on the left side of the lake.

Chairman Buzzutto stated okay fine.

Mr. Delorenzo stated its about half way that hill on the left side.

Chairman Buzzutto stated do you want to give a brief on what you want to do there.

Mr. Delorenzo stated back in 1992, the previous. Rich bought the house in 2004 and in 1992 the previous owner had gotten a building permit to do an addition to the house at which time they build the foundation and then renewed the permit, renewed the permit, renewed the permit, and in 1997, I believe, they let it lapse. So Rich bought the house

with the foundation that's been there since 1992, the foundation was inspected by the Building Department and was passed and then the owner never did anything else with it and they were going to add a living room and bedroom at the time. So, when I went to update this for Rich because I'm doing his plans and getting his permit, it turns out that the house, according to our latest survey that was done when Rich bought the house in 2004, that foundation corner is 14.2 off the property line and today's code requires fifteen feet. So we are looking at about eight and a half inches off the set back requirement that the Town. So we have this existing foundation and everything else meets all zoning requirements, the size the set backs from the side, from the rear and so basically we were told to just see you people, since there is an issue with this eight inches, eight and a half inches.

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

Mr. Delorenzo stated it is an existing two bedroom house and since this here, I went to the Board of Health, these are the latest, the same plans that you have, approved by the Board of Health, for the existing and proposed and here is the letter for you for the record from the Board of Health.

Board Member Bodor stated there are two in there now.

Mr. Delorenzo stated and yup and its going to remain two.

Board Member Bodor stated and it's going to remain two, okay.

Mr. Delorenzo stated yes, which is what those plans are the same exact plans that you have in front of you and um.

Board Member Bodor stated so you aren't really adding a bedroom, you're just enlarging.

Mr. Delorenzo stated we are taking one of the bedrooms and converting it into a bath, making a larger, the bedroom is only eight by nine, existing and it's tiny. So that will be the bathroom, the new bedroom and then the living room, we are basically building right on top of this existing foundation that has been there since '92.

Board Member Olenius stated is the roof line remaining the same.

Mr. Delorenzo stated yeah, we are just going to go straight across, everything is just kind of remaining the same.

Board Member Bodor stated so it's a one story addition.

Mr. Delorenzo stated correct.

Board Member Bodor stated existing is one story, I gather.

Mr. Delorenzo stated yes it is.

Chairman Buzzutto stated you say that will be the new (inaudible).

Mr. Delorenzo stated yup and that is what is shown actually on the plans that.

Chairman Buzzutto stated it will be the same foot print.

Mr. Delorenzo stated exactly the same, we are just going to build on top of it, which is I believe was the other homeowners plan, they just ran out of money or just decided not to do it and its sat there now for almost sixteen years.

Board Member Olenius stated the foundation is still in good shape.

Mr. Delorenzo stated yeah, we also had then engineer come out, looked at it, he will certify it for the Building Department which is one of the requirement from the Building Department. So I don't, like I said the permit was issued in '92, I don't know if the set backs were different back then because the old survey actually showed it at 14.4, the old survey in the file that the Town and it was issued back then and then this survey shows 14.2 so, the surveyors.

Chairman Buzzutto stated the setbacks.

Board Member Bodor stated I forget when we changed it.

Tim Curtiss stated (inaudible – not using microphone).

Mr. Delorenzo stated it that was it was, it was a different set back requirement.

Tim Curtiss stated I've been here too long, you're right.

Board Member Burdick stated I was going to say good memory.

Mr. Delorenzo stated nobody else knew that, you asked and nobody could really answer that one. So other than that, its pretty straight forward I think.

Board Member Bodor stated so in reality we are asking for eight inches.

Mr. Delorenzo stated point eight feet, which is about eight and a half inches.

Chairman Buzzutto stated fourteen two.

Mr. Delorenzo stated versus fifteen.

Chairman Buzzutto stated fifteen.

Mr. Delorenzo stated like I said all the other requirements are met, as far as lot coverage, set back requirements on the sides and in the rear.

Board Member Bodor stated eight lots, that's a good size piece of property.

Mr. Hanlon stated its all hilly.

Board Member Bodor stated all hilly.

Mr. Hanlon stated yeah.

Board Member Bodor stated but you have eight lots, more then a lot people over there have.

Mr. Hanlon stated yes.

Board Member Bodor stated and the exterior will.

Mr. Delorenzo stated basically remain the same.

Board Member Bodor stated harmonize with.

Mr. Hanlon stated it's going to be all new, we can't wait to get rid of that ugly red.

Board Member Bodor stated oh you are going to change.

The Secretary stated wait, wait, wait.

(Side 1 Ended at 7:59 p.m.).

Mr. Delorenzo stated yeah, as you can see on the picture and the plan shows, the front of it has a walk in cellar and its shown on the plan and the back is a crawl space under the bedroom because its built into that ledge rock, when they built it, so they didn't excavate that ledge rock out.

Board Member Olenius stated is there concrete or gravel poured within this foundation right now.

Mr. Delorenzo stated there will be a rat slab poured in the top area and a regular floor poured in the lower section, there are no windows, there is a door in the front, it will just be storage, which is what I show on the plans as well.

Chairman Buzzutto stated and then entrance to get into that will be where the window is there.

Mr. Delorenzo stated that would actually, if you want we can open the plan, that is actually the hall yes, coming into the new bedroom and that is the bedroom now to the left of that would be the bathroom which I show on the plans you have in front of you.

Board Member Bodor stated this is recent.

Mr. Delorenzo stated yeah this is actually going to be the town. . .

Chairman Buzzutto stated do I have any input from what's left of the audience here.

Board Members laugh.

Tim Curtiss stated that was a yawn for the record.

Chairman Buzzutto stated okay, make a motion to close the public hearing.

Board Member Bodor seconded the motion.

Chairman Buzzutto asked for all in favor.

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

The motion carries on a vote of 5 to 0.

Chairman Buzzutto stated we need a second.

Board Member Bodor stated I seconded. Want me to read the reso.

Chairman Buzzutto stated yeah, if you have one.

Board Member Bodor stated sure, I'll fill in the blanks.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Robert Delorenzo Case # 14-08
FOR AN AREA VARIANCE
For Enlargement of a Nonconforming Building

WHEREAS, *Richard and Catherine Hanlon are* the owners of real property located at 20 Sharon Road (RPL-10 Zoning District), also identified as **Tax Map Parcel # 36.23-1-19**, and

WHEREAS, *Robert Delorenzo* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, for construction of a 20' x 28' addition on an existing concrete foundation, which will increase the living room space and create a dining room.

Board Member Bodor stated is that correct.

Mr. Delorenzo stated there is a living room dining room area in the front and the bedroom behind it, an open living room space.

Board Member Bodor stated I just wanted the wording to be right.

The addition will also create a bedroom, which will cause modifications within the existing structure, and

WHEREAS, §154-58 of the Patterson Town Code requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' front yard setback; Pre-existing concrete foundation is 14'2" from the front property line; the new addition will remain 14'2" from the front property line, 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 October 15, 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:

11. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the foundation for such addition is already in existence and had been approved for building numerous years in the past, just never followed through.*
12. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the pre-existing foundation which was never completed structurally up above.*
13. the variance requested *is not* substantial *because it is for .8'.*
14. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the foundation is already in place.*
15. 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 *Robert Delorenzo* for an *area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a 20' x 28' addition, consisting of an increase in living room space, a dining room, and a bedroom, on a pre-existing concrete foundation.

Board Member Posner seconded the resolution.

UPON ROLL CALL VOTE:

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

The resolution is carried by a vote of 5 to 0.

Board Member Bodor stated go to the Building Department.

Mr. Delorenzo stated thank you very much, have a good night.

Board Member Posner stated you too.

Board Member Olenius stated good luck.

The Secretary stated bye.

6) Harold & Patricia Haviland Case # 15-08

Mr. & Mrs. Haviland were present.

Chairman Buzzutto stated we have two in the audience here, you have.

Board Member Olenius stated it's the last item.

Board Member Bodor stated it's the renewal of the.

The Secretary stated yes.

Chairman Buzzutto stated oh this is a renewal.

Tim Curtiss stated this is a . . .

Board Member Bodor stated the last case if Harold and Patricia Haviland, Case 15-08, its for the renewal of an accessory apartment, is that correct, which had been granted in the past. Would you come forward please and identify yourselves.

Tim Curtiss stated there you go, you're on.

Mrs. Haviland stated I'm Patricia Haviland.

Board Member Bodor stated okay.

Mr. Haviland stated I'm her husband, Harold Haviland.

Board Member Bodor stated you have a name right. Both of you, let's have you raise your right hand and swear that the testimony that you provide tonight will be the truth and the whole truth.

Mr. Haviland stated I do.

Mrs. Haviland stated I do.

Board Member Bodor stated thank you, you want to tell us, give us a little history here.

Tim Curtiss stated when did you first get the apartment, when it was approved.

Mr. Haviland stated five years ago, five years ago.

Board Member Bodor stated was it five years.

Mr. Haviland stated the renewal now is five years.

Board Member Bodor stated has anything changed in the structure.

Mr. Haviland stated not a thing.

Board Member Bodor stated have the tenants changed.

Mr. Haviland stated sure, we have children, they come in and out.

Board Member Bodor stated oh okay but structurally nothing has changed, you haven't increased any of the square footage, yours or the apartment.

Mr. Haviland stated I had a problem with paint, that's about it.

Board Member Bodor stated thank you for coming in to renew this.

Mr. Haviland stated okay, I guess that's what I'm supposed to do.

Board Member Bodor stated that is what your supposed, you are supposed to do that, that is why I'm thanking you for just coming ahead and doing it.

Tim Curtiss stated taking the initiative.

Board Member Bodor stated exactly because this is not something that many people would say, hey, my thing runs out, I have to go renew it, they just sit back and say some day or maybe not. So I mean that.

Mr. Haviland stated thanks.

Chairman Buzzutto stated it wasn't on the agenda but that's.

Board Member Olenius stated it is on the agenda.

Tim Curtiss stated its number eight.

Board Member Bodor stated it was on the agenda but it wasn't on the public notice.

The Secretary stated no, it wasn't required to be noticed because it's a renewal.

Board Member Bodor stated I asked all my questions.

Chairman Buzzutto stated what did you say.

Board Member Bodor stated I asked all my questions.

Chairman Buzzutto stated there is nobody in the audience.

Tim Curtiss stated Rich, you had a question.

Rich Williams stated no.

Tim Curtiss stated no questions from Rich.

Board Member Bodor stated any input.

Chairman Buzzutto stated Tim, do you have any questions.

Tim Curtiss stated no, if it's the same as the original application nothing has changed, there really is no reason to take it any further, if everything is the same as the original application.

Chairman Buzzutto stated okay, so we can close the public hearing.

The Secretary stated there was no public hearing.

Tim Curtiss stated its just a renewal application and if you find that there is no change to it, its just essentially the same as when they got the original approval, it just, you should give them another five years.

Chairman Buzzutto stated that sounds easy enough.

Board Member Posner stated it is.

Board Member Olenius stated would you like me to read Mr. Chairman.

Board Member Bodor stated yeah, read it.

Chairman Buzzutto stated I'm sorry.

Board Member Olenius stated would you like me to read it.

Chairman Buzzutto stated certainly.

Board Member Olenius stated okay.

Board Members laugh.

Board Member Olenius read the resolution:

IN THE MATTER OF THE APPLICATION OF
***Harold & Patricia Haviland* Case # 15-08**
RENEWAL FOR AN ACCESSORY APARTMENT

WHEREAS, *Harold and Patricia Haviland* are the owners of real property located at 27 Kenwood Road (RPL-10 Zoning District), also identified as **Tax Map Parcel # 25.54-1-20**, and

WHEREAS, *Harold and Patricia Haviland* have made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on October 15, 2008, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the *Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment*, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Harold and Patricia Haviland for a renewal for an Accessory Apartment* as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

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

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section of the Code is attached to this resolution).

Board Member Bodor seconded the resolution.

UPON ROLL CALL VOTE:

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

The resolution is carried by a vote of 5 to 0.

Board Member Bodor stated and you'll get a copy of this.

Mr. Haviland stated that's in, see you again in five years.

Tim Curtiss stated guess so.

Mr. Haviland stated thank you.

Board Member Posner stated no, thank you.

Board Member Olenius stated I can't believe I've been on the Board that long, I remember when we did it the first time, it doesn't seem like I've been here that long.

Tim Curtiss stated listen, it catches up with you, let me tell you.

Board Member Posner stated off the record, that was the one piece of legislation that I made sure, it was my law.

Board Member Bodor stated I remember that.

Board Member Burdick stated yes.

Board Member Bodor stated I remember when you wrote it.

Tim Curtiss stated I remember the accessory apartments and stuff then.

Board Member Posner stated I went through a lot of hell with everybody else but I didn't care.

Chairman Buzzutto stated that goes fast, yes, yes.

Tim Curtiss stated that was what it was.

Board Member Burdick stated (inaudible) a lot on that.

7) Other Business

Board Member Bodor stated other business.

Chairman Buzzutto stated Rich, other business, I wanted to ask Rich about that question about the. . .

Board Member Bodor stated okay, ask the question.

Board Member Posner stated it's a good question.

Tim Curtiss stated I turned everything off I think.

Rich Williams stated I catch all sorts of trouble.

Board Member Bodor stated oh this is a timeline, look at that.

Chairman Buzzutto stated on the question about Downey leaving, [Route] 22 up there. The way I understood was he left there because the landlord would not cooperate and repair the building. I didn't think it was because of a different in the codes, the repairs, I mean he couldn't put gas in there, yes I understand that.

Rich Williams stated back in the '80's, the mid '70's and going right into the 90's, the zoning codes for that area designated it as NS-1 or NS-2, I'm not sure exactly which, they were essentially the same zoning districts but within that zoning district, gas stations were permitted, public garages were specifically prohibited. Some time in the mid '80's, Mr. Wunner took the gas station that was there and pulled the pumps out.

Chairman Buzzutto stated right, I remember that.

Rich Williams stated well at the point he had a legal conforming use and he went changing it to a garage which was specifically prohibited in that zoning district to a non-conforming use that was not permitted. So essentially he vested no rights and has been using that building as a public garage but things being as they are around here, everybody was friends with Joe Downey, no one would issue a violation, so Joe Downey used it for, you know a lot time as a garage. Paul [Piazza] came in, filed a notice of violation, ended up down in Southeast Court, at which time suspended any sort of zoning action and the courts down there dismissed it without prejudice because Paul at that time was having other issues, that we won't get into and couldn't proceed with the case. So the judge never actually determined that the building was pre-existing, non-conforming or anything but he just dismissed it without prejudice and said the Town could re-file and present their case at that point. Subsequent to that, we've had a number of people come into the Planning office and say I would like to put a garage there, my response has always been the same thing, it does not have any pre-existing, non-conforming status even if it did, its been abandoned for so long.

Tim Curtiss stated it would have lost it.

Rich Williams stated it's lost that pre-existing, non-conforming, public garages are permitted with certain criteria being met, one of them you have to have a special use permit from the Zoning Board of Appeals and the other is you need site plan approval. Nobody has pursued that avenue and I understand, unofficially its because the Wunner's adamantly refuse to allow anybody to go in for that. I have actually received correspondence which, I have forwarded to the Town Attorney from their attorney, the Wunner's attorney, saying you can't tell people that, well that is my understanding.

Tim Curtiss stated well you have to tell them what the regulations are, you have to tell them what our understanding of the Code is and what we believe the status of the property to because obviously we can't hide information and if they want to come in and establish that they are a pre-existing, non-conforming, they have every right to do that but that have to establish that first otherwise we have to look at it as a site that has no real legal banding, in terms of pre-existing or anything else. We have no records in our file that show it's pre-existing, non-conforming.

Chairman Buzzutto stated what's, go ahead.

Rich Williams stated here's the story, the last Planning Board meeting we received an application from Justin's Auto for a free standing sign, we started reviewing that only to find out that Wunner's would not give him permission to make the application, so we couldn't proceed with the application. They sit there with a building, a business, the building permits have been issued, that is in full operation that has now two signs up, with no permits and that is where we are with Justin's Auto.

Chairman Buzzutto stated alright, what's Patterson, Jim Byron, what's his gripe.

Rich Williams stated because people have come into the office, Jimmy's letter, I don't know where they are getting it, I heard it again at the Town Board meeting that I had told people in the past that they could not have a garage there, that is absolutely not true, I actually have it in writing, I have documented it. My opinion always has been come in, get site plan permit and a special use permit.

Tim Curtiss stated and a special use permit and you're good to go.

Rich Williams stated right.

Tim Curtiss stated and that has always been, anybody that has called, we said look, there is a way to do this, you have to get a special use permit and you have to get site plan and you are good to go.

Rich Williams stated and the rules are there to protect everybody, they are there to protect the Wunner's so they can have a legitimate use of their business without interference, they are there to protect the business owner, they are there to protect the residents.

Chairman Buzzutto stated we know that there is competition for Patterson Auto Garage.

Rich Williams stated well certainly there is some competition and Jimmy doesn't want that.

Chairman Buzzutto stated he doesn't want it because its competition.

Rich Williams stated but regardless, Jimmy has a valid point, in that.

Tim Curtiss stated its still an illegal use.

Chairman Buzzutto stated well he asked me, I know him and he asked me about it and I said well I don't discuss it because I don't know.

Tim Curtiss stated good, it's really now, kind of fallen de facto into the Town Board to say either we are going to do an enforcement thing and go into the supreme court and get an injunction or take it back to justice court.

Rich Williams stated is that true though, I mean, can the Town Board actually thwart the intent of the zoning law, which says these are the rules that you have to follow.

Tim Curtiss stated no, they would bring an enforcement to say, conjoin him, stop him from operating the way he is until he complies with the special use permit.

Rich Williams stated and if they don't and the Building Department won't.

Tim Curtiss stated then the court will issue, what court will do is say you can no longer use the site that way.

Rich Williams stated I think you are missing the point though, if the Town Board says we are not going to enforce this zoning law against this individual.

Tim Curtiss stated oh yeah.

Board Member Posner stated so they don't go to court.

Rich Williams stated the Building Department doesn't.

Tim Curtiss stated they are just, de facto is he going to operate, that is going to happen.

Rich Williams stated and after a period of time (inaudible).

Tim Curtiss stated well you can't ever get it, you never get that much time where you are going to be stuck.

Rich Williams stated Building Department issues a building permit and a C.O. for that building.

Tim Curtiss stated true, then I'm stopped.

Board Member Posner stated can go.

Rich Williams stated then you can't enforce it anymore.

Tim Curtiss stated I can't do anything.

Rich Williams stated and that is what everybody seems to be forgetting.

Tim Curtiss stated once you do those kinds of actions, I can't go to court and say you have to stop this illegal use, they are going to turn around and say you issued a building permit, you issued a C.O.

Rich Williams stated right.

Board Member Posner stated did they do that, did they issue a C.O.

Rich Williams stated I don't know that a C.O. has been issued.

Tim Curtiss stated a building permit was.

Rich Williams stated I believe a building permit was for substantial renovations.

Tim Curtiss stated and obviously the signs are up but no permit for that.

Chairman Buzzutto stated Justin's already moved out of Put Lake.

Rich Williams stated yeah, he's operating out there.

Tim Curtiss stated oh, yeah, I think he's fully operational, from what I know he's fully operational.

Board Member Posner stated yeah, it looks it when I drive by.

Board Member Bodor stated but he doesn't own the property, the Wunner's still own the property.

Rich Williams stated the Wunner's still own the property, yes.

Chairman Buzzutto stated okay, I still can't answer any of Jimmy Byron's. . .

Tim Curtiss stated no, you really can't.

Chairman Buzzutto stated or will I.

Rich Williams stated I believe that the Supervisor was responding to Jimmy, so I have an answer to take care of that, you have a bigger issue out there.

Chairman Buzzutto stated he did the same thing when Mobil wanted to put the other gas station across the street.

Board Member Posner stated and he was right.

Tim Curtiss stated they wanted to go into where the diner was over there.

Board Member Posner stated certainly it was that he didn't want competition but it would have been ugly, you see place with garages all over the place.

Chairman Buzzutto stated well that answers my questions, any other business here.

Board Member Burdick stated we have to schedule the site walk.

Board Member Bodor stated the site walk.

Board Member Olenius stated you're not done, are you.

Rich Williams stated no, I'm not done.

Board Member Olenius stated he's not done yet.

Board Member Burdick stated oh.

Tim Curtiss stated you're not done yet.

Rich Williams stated if the Board is happy with that, that's fine. I do have one other issue, just some guidance from the Board, I don't want to make a big issue out of something if its not really a big issue, Davila, the application came in, the application came in clearly deficient in that the dimensions were not part of the application, it was essentially provided to the Zoning Board saying, you know, the impervious coverage is too big, he's adding a pool, that's not really the way to do, I didn't realize that it had come in that way. When I was sitting in the meeting and I heard that, you know I was somewhat disturbed by that, I asked to talk to Sarah about it and I did talk to Jennifer about it and we concurred that it's really not the way the application should have been submitted without dimensional requirements. When I talked to Sarah about it, she also had questioned it and questioned it with the Building Department and the Building Department told her in no uncertain terms, that is the way we want the application processed. My question to you is, what do you want, do you want dimensional requirements on the way its supposed to be laid out or do you just want to leave it a little bit loose like that.

Board Member Bodor stated no, you know it was an important.

Board Member Burdick stated you were asking for it.

Board Member Bodor stated I was the one that asked for it.

Board Member Burdick stated Mary asked for it.

Board Member Bodor stated we were talking about impervious coverage on this property and all we got was its more than allowed, which is 38%. How much more, I didn't go further with it, is it 100% percent more, is it 5% more, you know that makes a difference.

Rich Williams stated well I questioned you don't even know if had exceed the amount of impervious coverage because it was never calculated.

Board Member Bodor stated no, it wasn't because it was too hard to calculate, that is what was told to us.

Rich Williams stated I know but its not.

Board Member Bodor stated it was easier to calculate what wasn't covered then.

Board Member Posner stated I was going to say if you calculate what wasn't covered and you figure it out from there.

Board Member Bodor stated that was the answer that was given, am I wrong. That's what he said to me.

Tim Curtiss stated as your Board, you have to make finding of fact as to how much impervious coverage you have, that you are giving him the variance for you know if its over the 38% you have to put in the finding how much more

over the 38% because that means, is it substantial or is it diminish, if its 39% its diminish, 78% percent well that's a pretty big variance. You have to make that finding.

Board Member Bodor stated it was very huge.

Tim Curtiss stated and you just can't say its more then 38%.

Board Member Burdick stated I think that was Dave's point though, it was just so much coverage.

Tim Curtiss stated it didn't even matter.

Board Member Burdick stated is that, and I understand what you're saying, it should be on the application but I think if we had done the site walk, that calculation would have been done before.

Tim Curtiss stated and you would seen quite a bit . . .

Rich Williams stated but the problem we have and I talked to Jennifer, legal notice of deficient and we would have to start all over.

Tim Curtiss stated you really have to let the neighbors know, its true on public notice, they are in for a variance beyond what the standard is, its you know and that helps everybody well do I really want to oppose this or do I really care.

Board Member Burdick stated because it just said greater then 38% and the impression I got it was like 80 or 90.

Board Member Bodor stated when you look at the drawing, far more.

Tim Curtiss stated its 99% covered.

Rich Williams stated I agree but as absurd as it may have been, nobody knew what was (inaudible).

Board Member Burdick stated exactly.

Board Member Posner stated no we needed the real numbers.

Rich Williams stated you know, what I'm looking for is I can just let these things go and they are going to be absurd and the Board can handle it.

Board Member Burdick stated no.

Rich Williams stated or we can make sure that the application. . .

Tim Curtiss stated when it comes in.

Rich Williams stated I will dig my heels in and I don't care what comes in, they are going to be. . .

Board Member Bodor stated if we have to give a variance based on a percentage of impervious coverage, we need to know what that figure it.

Board Member Burdick stated not only that, if our legal advice is that it should be noticed that way.

Tim Curtiss stated yeah, you have to notified the neighbors what the percentage is, whether they want to oppose it or not oppose it. As I said it could be 39%, they may not come in if its going to 78%, they'll want to know what's going on.

Board Member Olenius stated can I make a motion that we send a memo to the Building Department that specific dimensions need to documented on any zoning denials that he sends to us.

Rich Williams stated you can do that if you'd like.

Board Member Olenius stated because we prefer specific dimensions to deal with.

Board Member Burdick stated because we don't do well doing them ourselves.

Tim Curtiss stated I'll be meeting with Dave on a bunch of other stuff.

Board Member Olenius stated that is exactly where that was coming from.

Board Member Burdick stated especially under pressure, right Lars.

Tim Curtiss stated the Board has to know, you have to do that otherwise (inaudible – too many speaking).

Board Member Burdick stated Shawn said, how did you mess that up, I said I was under pressure.

Tim Curtiss stated they are going to come in say I didn't know it was this big, I would have come in if I knew that.

Rich Williams stated and I can respect what Dave is going.

Tim Curtiss stated yeah and I understand what he's doing too but you know, what happens is that you do get into this conundrum that if you don't give people notice of how much more beyond the standard it is, they are going to say well I would have come in if I had know it was X and you told me it was Y or you didn't tell me anything at all, how would I know. It's a system thing.

Rich Williams stated but my concern is, we bring people in here and then we tell them they have to come back and come back.

Tim Curtiss stated yeah, no, you want to get it in so one visit and everything is there.

Rich Williams stated grant it or deny it I don't care.

Tim Curtiss stated if you need a site walk that's fine but at least get everything in that you need so they are not saying you need one more thing and you need one more thing because that frustrates the public more then anything.

Board Member Olenius stated well that Delorenzo case was a perfect example, when you come in with a denial for point eight feet, that is what I want to see, its point eight feet, its not one foot, its very specific, anybody in the audience would have said, its point eight feet, where if it was eighteen feet, that's a big deal.

Tim Curtiss stated you also know the rule, they are running the line at that point, yeah that one was pretty clear you know, it was an interesting combination, this is where it was, I don't know why I remembered it was ten feet but all of sudden, something popped in my head.

The Secretary stated you've been here too long.

Tim Curtiss stated that's right, you are absolutely correct, and if the stock market keeps going the way it is, they are going to be wheeling me in in a wheel chair. That's it.

Board Member Posner stated you need to talk to me.

Tim Curtiss stated I need to talk to Marty, he's going to get me out of here, protect me.

Board Member Posner stated okay, alright what date.

Board Member Bodor stated oh.

Board Member Burdick stated and we need a second for Lars' motion.

Board Member Posner seconded the motion.

Tim Curtiss stated and then you have to do a little vote.

Board Member Bodor asked for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Bodor stated and on the bottom of the agenda, I noticed that the dates for the next submission and the next meeting, I like that there.

Tim Curtiss stated oh yeah, see November is always an oddball month because the Town Board takes the first and the third Wednesday because of Thanksgiving.

Board Member Bodor stated but this is right there.

Tim Curtiss stated yeah, it makes it, yeah.

Board Member Bodor stated you know people who were here tonight, if they took on of these, there is the date.

Tim Curtiss stated yeah I picked up on that too, I got it from Sarah today.

The Secretary stated actually Sarah did it, so I will tell.

Tim Curtiss stated yeah she did it today.

The Secretary stated she was in today, we're hoping she won't be here tomorrow.

Tim Curtiss stated she looked very pregnant when she was in today, it looked like any moment.

Rich Williams stated I'm betting another ten days.

Tim Curtiss stated really.

Board Member Posner stated really, you think so.

The Secretary stated we did a pool.

Board Member Posner stated you've got a pool.

The Secretary stated and there are only like two people left.

Rich Williams stated oh yeah she's way over due.

Tim Curtiss stated is she really, yeah.

The Secretary stated the 10th was her due date.

Tim Curtiss stated is this her first child.

The Secretary stated yes.

Tim Curtiss stated okay, that's fine, usually over on the first.

Board Member Posner stated I spoke to her this morning she said I can't wait already.

Board Member Burdick stated I'm surprised that they are letting her, everybody that I know, as soon as they got to their date, they are like screaming inducing.

Board Member Bodor stated yeah.

The Secretary stated she doesn't want them to do that to her.

Board Member Burdick stated good for her.

Tim Curtiss stated its not a wise idea.

Board Member Burdick I always wondered why they were doing, I think its more painful, isn't it.

The Secretary stated I have no idea.

Tim Curtiss stated and you don't want to know.

The Secretary stated I don't want to know.

Board Member Olenius stated I'm pretty sure it is, I had deep claw marks when the pitocin was injected from the first child. The other ones were fine.

Tim Curtiss stated and the ear was blue.

Board Member Olenius stated no pain from the other ones.

Rich Williams stated (inaudible – not using microphone).

Board Member Olenius stated I was too close.

Board Member Posner stated claw marks.

Tim Curtiss stated always have to be out of arms reach.

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

Board Member Olenius stated are we doing it during the week or on a weekend.

Board Member Bodor stated I don't know, what's your choice.

Chairman Buzzutto stated during the daylight hours.

Tim Curtiss stated with the daylight I think you are going to have to do it on the weekends now.

Board Member Posner stated its only one.

Board Member Burdick stated its only one and its still, we were commenting at a quarter to six that it was still light, so I think we could do it.

Board Member Olenius stated yeah, its just a wood stove, its not very involved.

Board Member Burdick stated and its only right over here.

Board Member Olenius stated right next to the VFW.

Tim Curtiss stated that one in the back of the VFW, is that what they are doing back there.

Board Member Bodor stated its up in the hill there.

Board Member Olenius stated right at the end of the Doansburg, go straight, the driveway is straight in front of you, new brick front.

Chairman Buzzutto stated is that new road that goes up there.

Board Member Olenius stated that's the driveway.

The Secretary stated that's their driveway.

Chairman Buzzutto stated that's the driveway.

Board Member Burdick stated so pass the VFW or before it.

Board Member Bodor stated before.

Board Member Olenius stated come up Doansburg and go straight.

Board Member Burdick stated come up by Green Chimneys.

Board Member Olenius stated don't bear right, straight, literally straight in front of you.

Board Member Bodor stated oh.

The Secretary stated if you bear to the left, at the stop sign, you would go right up their driveway.

Board Member Posner stated any time but Tuesday night.

Board Member Bodor stated okay.

Board Member Posner stated and any time but the week of the 20th, whatever that week is.

Tim Curtiss stated next week or November.

Board Member Poser stated the week of the 20th, is the 20th Monday.

Board Member Bodor stated the 20th is next Monday.

Board Member Poser stated I can't do it that week at all.

Board Member Bodor stated that whole week.

Board Member Posner stated I'm in a show we have hell week.

Tim Curtiss stated oh, are you, up in the Pawling.

Board Member Posner stated that's real hell, we are there until 11 o'clock at night.

Board Member Burdick stated (inaudible – too many speaking).

Board Member Olenius stated its after Halloween, I know its in November.

Board Member Bodor stated here it is, on the 2nd.

Board Member Burdick stated so we want to do it probably before then unless we go onto the weekend.

Board Member Bodor stated so that leaves the week in October.

Board Member Olenius stated I think Thursday is the only day that is bad for me that week.

Board Member Bodor stated and Halloween is the 31st.

Board Member Olenius stated and that may be bad too.

Board Member Bodor stated the 29th may not be good for me.

Board Member Burdick stated and Tuesday night is not good for you.

Board Member Bodor stated Monday the 27th.

Board Member Burdick stated Monday the 27th.

Board Member Posner stated that's a Monday, that should work.

Board Member Bodor stated Monday the 27th.

Tim Curtiss stated there you go.

Board Member Bodor stated five fifteen, five thirty.

Board Member Burdick stated five fifteen.

Board Member Bodor stated do we need a rain date or a snow date.

Board Member Posner stated a snow date.

Chairman Buzzutto stated you're cruising tonight.

Board Member Bodor stated well, alright, we'll leave it.

Board Member Posner stated it's always wonderful when Sarah e-mails the day before the, so we remember.

Board Member Burdick stated Michelle, in case Sarah is out, she always sends us an e-mail for our site walk, the day before.

Board Member Posner stated I just asked her.

Board Member Burdick stated sorry, I didn't hear you.

Board Member Posner stated yeah, I kind of like it, its always nice to get an e-mail so I remember, so I'm not a moron.

The Secretary stated I will write myself a note.

Board Member Olenius stated especially being that it's a Monday.

Board Member Posner stated I'm too old, I forget too quickly.

Board Member Olenius stated Friday e-mail is good.

8) Minutes

Board Member Bodor stated okay, the minutes from August 25th, are we prepared to accept them.

Board Member Posner stated sure.

Board Member Olenius stated yes.

Board Member Bodor stated I make a motion to accept them as presented.

Board Member Posner seconded the motion.

Board Member Bodor asked for all in favor:

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

The motion carries by a vote of 5 to 0.

Board Member Bodor stated done.

Board Member Posner stated wow, I can actually watch the debate.

Board Member Bodor stated anything else, Mr. Steger, do you want to talk about him at all.

Rich Williams stated I just let the Board know that there was some confusion whether he had an application in for a use variance or not, he thought he had all the paper work from the Building Department, we did not receive any of it.

Tim Curtiss stated its out there in the black hole.

Board Member Posner stated it is warm in here, I thought it was me but its not.

The Secretary stated no.

Tim Curtiss stated see Dave won't be back until Wednesday. We will know next Wednesday when Dave comes back.

Rich Williams stated that is where we stand.

Board Member Bodor stated okay.

Tim Curtiss stated and Cheryl is out this week too, so we are at a dead halt in the Building Department.

The Secretary stated (inaudible)

Tim Curtiss stated yeah, its not going to happen until Cheryl and Dave get back.

Chairman Buzzutto stated Timmy, with you here tonight you made us feel very important.

Tim Curtiss stated thank you very much, I am always glad to be here at this point, I haven't seen you guys in a long time. The only time I actually met Lars was at Town Board and that was five years ago when you got put on the Board.

Board Member Olenius stated yes.

Tim Curtiss stated okay, everybody else I knew.

Rich Williams stated the way about he comes here is a little difficult.

Tim Curtiss stated that's alright.

Chairman Buzzutto stated Rich, thank you for your input you are always a help.

Board Member Bodor stated motion to adjourn.

Board Member Olenius seconded the motion.

Board Member Bodor asked for all in favor:

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

The motion carries by a vote of 5 to 0.

The meeting adjourned at 8:31 p.m.