

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS**

October 15, 2014

AGENDA & MINUTES

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|---|---------|--|
| 1) Peter Ruisi Case #09-14 | 1 – 2 | Public hearing remained opened;
Applicant was not present – Application tabled pending future of Thunder Ridge. |
| 2) Luis Roman Case #16-14 | 2 – 10 | Public hearing closed;
Variance to bring existing shed into compliance denied. |
| 3) Caleb Smith (Frank’s Automotive) #20-14 | 10 – 26 | Public hearing opened;
Application tabled pending application review by the Planning Board. |
| 4) Other Business | | |
| A) Luis Roman Case #16-14: Request to Waive Application Fees | 26 – 27 | Secretary asked to draft a memo to Town Board requesting that the fees not be waived due to time spent on the applicant. |
| B) Minutes | 27 – 29 | Minutes from September 17, 2014 ZBA meeting approved. |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick
Michael Carinha

PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
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**Zoning Board of Appeals
October 15, 2014 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, and Nancy Tagliaferro, Attorney with Town Attorney's Office.

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

There were approximately 8 members of the audience.

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Burdick	-	Here
Board Member Bodor	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

No one was present to represent the application.

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, 2014 at 7:00 p.m. at the Patterson

Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, and September 17, 2014 meetings

Chairman Olenius stated and at the request of the applicant to be held over one more month, while the owners and this tenant, um, well – well, they’ve always been the owners, but... until they resolve that dispute out there... we will grant them that one more month... give them more... You can go right along [to the secretary].

2) Luis Roman Case #16-14

Three people were present to represent the application.

The Secretary read the following legal notice:

Luis Roman Case #16-14 – Area Variance: Held over from the September 17, 2014 meeting

Chairman Olenius stated Mr. Roman. Thank you for meeting us out there.

Mr. Roman stated thank you, sir, and members of the committee. Uh, again, I’m here for the second time on a height variance at, um, my property at 425 Mooney Hill Road. When I was here last month, I was here seeking, uh, an elevation variance for 9 inches on a utility shed that I put in the rear of my property. Uh, since that meeting, the members of the committee came out, uh, to look at what I did in there, to see how it affects my, uh, my property and my adjoining neighbors... and I’d just like to point out again that I’m seeking a, um, a 9 inch variance [in] elevation, and, um, I’ve done everything in my power to make sure to comply with the codes of the town, and the requests of the town, as well – in particular, the Building Department. I went as far as getting a survey establishing all four corners. I got an elevation survey. I’ve met all my setbacks: both rears, front, and sides – my closest neighbor being 20 feet. And I made sure that I kept, uh, 25 [feet] to extend the extra courtesy. The Town of Patterson – the Building Department – did give me the, uh, the building permit. I did pass all the, uh, proper inspections: the footings, the foundations, and the, uh, the framing. The only thing missing on this is the, uh, Certificate of Occupancy. Um, again, I complied. I had stamped drawings that were submitted to the town for this... and my setbacks have all been met. All I’m asking, uh, from the committee, if at all possible, is for my, uh, variance of the 9 inches.

Chairman Olenius stated I... I have one question where I looked at your, um, tax page here. One of the improvements – and it was before you owned the property – was a machinery shed, 11 [feet] x 25 [feet]. My only question was did this replace that shed, or...

Mr. Roman stated no...

Chairman Olenius stated was that even there when you got there...

Mr. Roman stated that wasn’t there at all when I moved in.

Chairman Olenius stated okay. I was just curious if it was a direct replacement of that or not. This one on the...

Mr. Roman stated and however – however long it was ago that that shed was there, and when it was there, there were water lines and electric going to it...

Chairman Olenius stated okay.

Mr. Roman stated which I don't have. I have a certificate from the, uh, electricity inspector, but there's no water going back there. But there was a water supply of some sorts, of some sort...

Chairman Olenius stated this one was – this improvement was done in 1975 and I just never...

Mr. Roman stated right.

Chairman Olenius stated I didn't pick up on it until I was reviewing the file...

Mr. Roman stated you bet.

Chairman Olenius stated and I never thought to ask you that question, if it was...

Mr. Roman stated I came across the two feeds when I was doing the digging for the electrical in there.

Chairman Olenius stated okay.

Board Member Bodor is the, uh, structure that you have there now in the same location that that one was.

Mr. Roman stated within very close proximity. It's within two – two to three feet. Yes, ma'am.

Board Member Bodor stated so you were fully aware that there had been a structure there, even though...

Mr. Roman stated um...

Board Member Bodor stated it was not in existence when you...

Mr. Roman stated yeah, there – I assumed there was only because there's a slab there...

Board Member Bodor stated oh, okay.

Mr. Roman stated that – that must have been remaining from that...

Board Member Bodor stated alright.

Mr. Roman stated not a proper structure, because it's all cracked up...

Chairman Olenius stated I do recall that...

Mr. Roman stated and broken up, yes.

Chairman Olenius stated to right of your existing...

Mr. Roman stated yes, sir.

Board Member Bodor stated oh, okay.

Chairman Olenius stated I recall that when we were there. Okay.

Board Member Bodor stated alright.

Chairman Olenius stated so, Mr. McCarthy isn't here tonight, huh.

Nancy Tagliafierro stated he's not here.

Chairman Olenius stated did Mr. Lamberti do every one of your inspections. I'm just curious as – through the building process.

Mr. Roman stated yes.

Chairman Olenius stated okay.

Mr. Roman stated [to wife in audience] did, uh, Mr. McCarthy ever come up... [Inaudible – turned away from microphone]... yeah, no...

Chairman Olenius stated only, probably, when this arose...

Mr. Roman stated yes, sir.

Chairman Olenius stated was probably when he did...

Mr. Roman stated yeah.

Chairman Olenius stated okay... everything I saw was signed by Mr. Lamberti...

Mr. Roman stated yeah.

Chairman Olenius stated and I just didn't know if the...

Mr. Roman and it all...

Chairman Olenius stated if we didn't have the file...

Mr. Roman stated it all passed.

Chairman Olenius stated or not.

Board Member Fox stated at the last meeting, um, you'd mentioned about the – the slope that was designed versus the one that you built. Could you refresh my memory about that?

Mr. Roman stated and when you say the slope... of the roof.

Board Member Fox stated of the roof. Excuse me.

Mr. Roman stated I made it as low as possible so that it would not infringe or be an eyesore to any of my neighbors. So we could put slope on it – the lowest possible slope on...

Board Member Fox stated okay.

Mr. Roman stated on that type of ridge.

Board Member Fox stated because I think it was – says designed as 5 – 12...

Mr. Roman stated yep.

Board Member Fox stated but I don't think it was...

Mr. Roman stated I think it's actually a little less than that... and I actually kept it, um, approximately 4 inches below what the plans actually called for.

Chairman Olenius stated I'm sorry, I'm not trying to make you wait. I'm just trying to re-do the dimensions that Mrs. Fox just brought up and I was looking for any... if there were any notations from Mr. Lamberti about that... there doesn't appear to be... [Inaudible – speaking away from microphone]

Board Member Fox stated I did the calculations last week – uh, last month. Do them again.

Chairman Olenius see, some of the building inspectors we've had in the past have, like, written up on the plans, like, as – as built, you know...

Mr. Roman stated yeah.

Chairman Olenius stated as opposed to what was first proposed. That's what I was searching for...

Mr. Roman stated I'd just like to add if possible that, um, this shed is built strictly for, uh, for storage, and I don't know if the pictures have provided all, you know, all the information, but all the entries leading into it are, you know, 36 inches and I have a roll-up door that's only 6 feet wide, so there are no vehicles that are going to be driven back there in any form or way.

Chairman Olenius stated and your septic was – we had this discussion when we were out there – in the front yard, correct...

Mr. Roman stated yes, sir.

Chairman Olenius stated alright. Um, any input from the audience.

Mr. Heller stated um, if I could speak for a few minutes, um...

Chairman Olenius stated please.

Mr. Heller if that would be okay. First of all I'd like to take a moment to thank the Board...

Chairman Olenius stated just introduce yourself...

Mr. Heller stated oh...

Chairman Olenius stated one more time...

Mr. Heller stated I'm sorry...

Chairman Olenius stated just for the record.

Mr. Heller stated I didn't mean to get up without... uh, my name is Scott Heller.

Chairman Olenius stated okay.

Mr. Heller stated I live at, uh, 433 Mooney Hill Road, an adjacent property. I'd like to thank the Board, first of all, for your service, and your time spent reviewing the structure from my property – reviewing it, essentially, from my and my neighbors' perspective. I think that – I hope that – was helpful for you. I want to say, too, that the Board has a crucial, and I'd even say awesome, role to play in preserving the character, personality, and the atmosphere of our community. It is both time-consuming, and, I'm going to guess, probably frequently, thankless. Okay. I sensed your Board – this Board's sincerity the moment you started addressing this issue before I even started speaking to you. So, regardless of the outcome, I do want to thank you all, and thank all the Board for your efforts. They are sincerely appreciated by my wife and I. I can't speak to the code – I, I spoke to it and I did, you know, the whole, you know, dissertation about – I don't think this is 9 inches, I think it's more than that. It's the way the code is interpreted. Mr. McCarthy – Bob McCarthy – when he went out there, actually found the variance much larger because he interpreted the way many engineers do around here, as the average height and not the extreme height, where essentially a basement allowed you produce a second floor. A largely subterranean structure – because you're built on a hill – allowed you to build a second floor when the primary structure is one-floor. That's wrong. And we know that we have leeway within the interpretation of the code to take in account what the intent of the code was and is. Now, not only is that – was it just the slope of the land that allowed this, what I consider, a miscarriage – a misinterpretation with the intent of the code. But, then you take this already extraordinarily high – it's already higher than the average height of the primary structure – and you place it on perhaps the highest elevation of your property, adding insult to injury. These were intentional. Okay, these were not – you know, this was intentional. It's... if that were, and we talk – you know, we could talk about whether it was closer to my property, it would be less of an offending structure. So, to say that I and my family were taken into account is simply not true. Okay, you don't have to be a rocket scientist to figure out, you put that structure at the highest elevation, it's gonna tower over not only my property, it towers over, really, the primary structure. So it is not within the spirit or the letter of the zoning, so... I, I'd like to say 9 inches is a

mischaracterization. Um, I could talk to process and I know that that's, you know, that's not your purview. Your purview is to interpret the code. But, I started this – I reached out in April and tried to come up with a solution where I said: Take a window out – work with me. I called him three times. I said: Don't make me take you to court – I don't want to do this. I spent \$4,000 to talk in front of you here tonight. That's a lot of money for me. I've got daughter in college. I really don't want to be here. But I have to be here. Nick Lamberti refused to cite him for a violation. Whether it's the Old Boy network, or whether money changed hands, I don't know. But, it's wrong, it's unethical, and, as far as I'm concerned, it's illegal. It's taking one class of citizen and giving him rights that I don't have. It allows him to trample on the value of my property. And this is wrong. Okay, I ask you to take all of this into account, and to... I'd love to, to walk away from here tonight and not have to take further legal action. But, I just can't walk away from this. I really feel that not only were my rights trampled, but every citizen in, in the Town of Patterson, by something like this. Everybody has to be equal under the law, and once you're not, you create this class of special people, it – the whole law system breaks down, and I can't allow that to happen. It's not just about me. It's bigger than just me, okay, and I hope you'll understand that. I thank you for your time, I thank you for efforts, and I really appreciate what you're doing.

Chairman Olenius stated I just want to clarify, um, we're tasked with just interpreting the code. You know, we're not a court of law. We deal with the town code and that's pretty much it, black and white, so... [Inaudible – speaking away from microphone]... anybody else – does anybody else from the audience... I just want to make sure... a comment on this case...

Nancy Tagliafierro stated you have someone in the back.

Chairman Olenius stated do you have a comment on this case...

Mr. Perez stated yes...

Chairman Olenius stated if you want to approach, please... could you just give your name for the record, please.

Mr. Perez stated my name is Jose Perez. I live at 419 Mooney Hill Rd.

Chairman Olenius stated okay.

Mr. Perez stated I'm living there for 15 years, and I'm the closest house to his [Mr. Roman's] and what I want to say is that, that don't bother me. That building they make there, I don't even see it that big from my house, you know. That don't bother me, and it's fine to me. And you know, and I just... I just want to share with you.

Chairman Olenius stated no, I appreciate any comment...

Board Member Carinha stated okay.

Chairman Olenius stated thank you very much.

Board Member Bodor stated thank you.

Board Member Burdick stated thank you.

Chairman Olenius stated anyone else.

Board Member Bodor stated can we close the public hearing.

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

Board Member Bodor stated I'll second.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Chairman Olenius stated just let me gather my thoughts on this...

Board Member Bodor stated mm hmm.

Chairman Olenius stated here... okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
***Luis Roman* Case #16-14**
For an Area Variance for an Existing 16' x 20' Accessory Structure

WHEREAS, *Luis Roman* is the owner of real property located at 425 Mooney Hill Rd (R-4 Zoning District), also identified as **Tax Map Parcel #13.-1-41, and**

WHEREAS, *Luis Roman* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(9)(c) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 16' x 20' accessory structure, and

WHEREAS, an accessory structure as defined by the Patterson Town Code may be a small building principally constructed of wood, stone, and/or a cementitious material whose primary use is for a workshop or the storage of yard equipment and/or nonhazardous material intended for use solely on the parcel on which the building is located, and

WHEREAS, Patterson Town Code states that an accessory structure shall not be located forward of the rear corners of the principal dwelling on the lot, shall not infringe on town setback limits, shall not be closer than 15 feet to the principal building, and shall be used exclusively by the occupants of the lot, and

WHEREAS, Patterson Town Code states that an accessory structure shall not exceed in size a floor area ratio of 50% of the principal dwelling or exceed in height the height of the principal structure, and shall substantially resemble the principal building in architecture, and

WHEREAS, the Applicant's principal dwelling is 19.7 feet in height; the existing accessory structure is 20.4 feet in height; ***Variance requested is for 9 inches,*** and

WHEREAS, the applicant received a building permit to construct the accessory structure on October 15, 2013 and constructed the accessory structure as per the approved plans filed with the Patterson Building Department, 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, 2014 and October 15, 2014, and a site walk was conducted on October 7, 2014*, 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 aesthetically and according to code the siding and design are in keeping with the primary structure.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the property and the elevation changes that are involved with it. It would be difficult to screen at any other place.*
3. the variance requested *is not* substantial *because it is less than 20% of the existing.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because prior to this shed being there, there was one of similar size in nearly the same location.*
5. the alleged difficulty necessitating the variance *was not self-created, and is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Luis Roman* for *an area variance* pursuant to §154-27A(9)(c) of the Patterson Town Code; Permitted accessory uses, *for an area variance of 9 inches in height*, in order to legalize his existing 16' x 20' accessory structure.

Board Member Bodor stated second.

Board Member Bodor	-	No
Board Member Burdick	-	No
Board Member Carinha	-	No
Board Member Fox	-	No
Chairman Olenius	-	Yes

VOTE: *Resolution denied by a vote of 4 to 1.*

Chairman Olenius stated I'm sorry, you did not get your variance. So... your only recourse is to lower the height of the building to bring it within...

Nancy Tagliafierro stated that's right.

Chairman Olenius stated the limitations of the code, the 9 inches.

Nancy Tagliafierro stated right.

Mr. Roman stated no problem.

Chairman Olenius stated unfortunately, that's your only recourse at this point.

Mr. Roman stated thank you, Mr. Chairman, and members of the Board.

Chairman Olenius stated thank you.

Mr. Roman stated have a good night.

Chairman Olenius stated you, too.

Board Member Bodor stated goodnight.

Mr. Heller stated thank you.

Chairman Olenius stated that cleared the room.

[Laughter.]

Chairman Olenius stated go right ahead [to the secretary].

3) Caleb Smith (Frank's Automotive, LLC) Case #20-14

The Secretary stated the following:

Caleb Smith (Frank's Automotive, LLC) Case #20-14 – Area Variance

Applicant is requesting an area variance pursuant to §154-68.1(B)(1) of the Patterson Town Code; Signs in business districts, in order to allow for the installation of one 3' x 16' building-mounted sign and one 3' x 24' building-mounted sign. Patterson Town Code states that the total aggregate of signs in business districts shall not exceed 100 sq. ft. in area per site; Applicant will have 207.5 sq. ft.; Variance requested is for 107.5 sq. ft. This property is located at 10 Commerce Drive (I Zoning District).

Chairman Olenius stated come on up.

Mrs. Smith stated I'm Tammy not Caleb, but... [Laughter]... I'm sorry, he's at a pre-surgery appointment, so...

Chairman Olenius stated what was your – can you state your name for the record.

Mrs. Smith stated Tammy Smith.

Chairman Olenius stated Tammy Smith. You were listed on the application, I think...

Mrs. Smith stated I – I should be, yes.

Chairman Olenius stated I definitely saw your – yes...

Mrs. Smith yeah, and I was here...

Chairman Olenius I see it here, notarizing everything.

Mrs. Smith stated for the last variance, so I'm...

Chairman Olenius stated okay, so we have...

Mrs. Smith stated so I...

Chairman Olenius stated some existing signs...

Mrs. Smith stated can I show...

Chairman Olenius stated yes, please.

Mrs. Smith stated you these [referring to submitted photographs]. I'm sorry, I don't, um...

Chairman Olenius stated no, tell us your story.

Mrs. Smith stated okay, so, we're a Napa Auto Care Center. So, we're required by them to do some things that they want us to because they want their name, obviously, on the building at some portion, also. So, these were color pictures that I didn't send, and I apologize. So they come out and what they do is they take a picture of the building beforehand so you can see we have fixed, like, the repairs on the building where the holes were and stuff like that, and then they propose changes to us to help meet what they consider their codes – what they want us to do to be affiliated with them. So, then they give us mock pictures of what we could do. That one [referring to submitted photos] is the front of the building, this one is the back of the building, and then this is just the side of the building. So there's three sides, um, to the building. So, right now we just have a regular Napa Auto Care Center sign there, and nothing says Frank's Automotive, except you can see in the picture, there's like a little sign on our actual door.

Chairman Olenius stated mm hmm.

Mrs. Smith stated so, their proposal is to put Frank's Automotive and extend that front sign so that our name is right next to their name, basically.

Chairman Olenius stated so this is like a franchise where you're required, to certain degrees to...

Mrs. Smith stated yeah, like we have to try to meet some of their requirements. Obviously we can't do everything and we get that, and you'll see, like, the have a banner above the bay door.

We don't want a banner above the bay door. They have an oil change stand – the picture that Mrs. Bodor's looking at. Yeah, and that tire thing – that's not going to be there. That's just what they propose to us. Listen – it's all about the money for them, too, so the more we put there, the more we have to pay them, so...

Board Member Bodor stated this is the front...

Mrs. Smith stated that is the front...

Board Member Bodor stated where you're driving, alright.

Mrs. Smith stated that is correct. So, that – you can see our little entry door...

Board Member Bodor stated over there...

Mrs. Smith stated where your finger is...

Board Member Bodor stated you walk in there.

Mrs. Smith stated the little box next to that is a drop box that we're going to install for people to drop their keys at night, obviously. Um, and then if you go across the paper, like I said, that round – it almost looks like a blow-up tire thing – that won't be there, nor will the oil change sign or the banner above the bay door, because really, it infringes in us getting a car in and out if the bay door is open.

Chairman Olenius stated I'm sorry, this – Frank's Automotive on the walk-in door...

Mrs. Smith stated right. You see...

Chairman Olenius stated it's...

Mrs. Smith stated it's little...

Chairman Olenius stated okay.

Mrs. Smith stated it is there.

Chairman Olenius stated would that remain.

Mrs. Smith stated it won't.

Chairman Olenius stated it would not remain.

Mrs. Smith stated we'll take it off.

Chairman Olenius stated okay.

Mrs. Smith stated we just put it there because we have nothing else right now...

Chairman Olenius stated I just – I just wanted to clarify that...

Mrs. Smith that says our business name. That would come down.

Board Member Fox stated is this supposed to be a freestanding sign [referring to submitted photos].

Mrs. Smith stated no, that – [laughter] – it kind of wraps around...

Board Member Fox stated oh there. That...

Mrs. Smith stated yeah...

Board Member Fox stated okay, that does...

Mrs. Smith stated that...

Board Member Fox stated that does make sense...

Mrs. Smith stated on the corner there is nothing. There is nothing there except for our required signs by the state that says inspection station and registered automotive repair. Um, on the back of the building they're proposing the same sign, but for that one it would have lights in it. At first I was like, we're not going to put up any lit signs. I have to tell you, not until we opened up did I realize that on Fair Street there is not one street light from the church, um, past Terry Hill [Road], all the way to the county building. That road is so dark at night. You guys did approve a sign for us that we have out, um, at our corner of the street. You can't see it at night. We have no... when you drive by there, people don't even know that we're there.

Chairman Olenius stated so what are your hours of business. I'm just curious.

Mrs. Smith stated um, 8:00 – 5:00.

Chairman Olenius stated 8:00 – 5:00, so...

Mrs. Smith stated 8:00 – 5:00.

Chairman Olenius stated like, this time of year when it's dimmer, somebody's dropping their car off...

Mrs. Smith stated you would never see it...

Chairman Olenius in the evening, that's really what you're looking for.

Mrs. Smith stated or even, we have new customers and they say, "I drove up and down Fair Street. I have no idea where you are." And you're like, "Well did you see the sign on the corner." "No, it's dark." And we're like, "Oh, okay" [Laughter]. So, it would at least give us a little bit on Fair Street. And, again, you can see that the sign is Napa colors: it's yellow, red, and blue. It's not like it's going to be floodlights in there, or, it's – I don't know if you've ever driven by the Napa in Pawling. They have one on their building. It's not as large, it just says "Napa". It's lit. Again,

it's not intrusive. It's not like they're high voltage bulbs in there, or anything like that. But, it would give us some presence on the Fair Street side of it, where if you were driving from George Fisher Middle School up, you would notice it. Where the sign on our corner... when the guy came to give us a price to paint the building, he was a friend of the guy who put up the sign, and he called me and he goes: I can't find you. I said: Wait until I tell Sundog Signs, who recommended you, that you can't even see his sign. So, it's really just trying to get us noticed a little bit more on a street that really has tons of traffic, but we're just not noticeable enough.

Board Member Bodor stated and you're kind of tucked in behind, too.

Mrs. Smith stated we are tucked in. And the other thing we have is NYSEG is coming in two weeks to install parking lot lights for us, which I didn't realize NYSEG does – awesome – uh, because our parking lot is so dark.

Board Member Bodor stated mm hmm.

Mrs. Smith stated I said to my husband, I work there in the evening for the landlord who owns the building, I was like: I wouldn't drop my car off to you at night. It's freaking pitch black in that parking lot, I'm like you have to... So we called NYSEG, and they'll actually install it for free, and you just pay monthly for the usage, so that's getting done in about two weeks. But, again, not intrusive on anybody. It's right in the parking lot. Um, I just think that the signs would help us be noticed, which, obviously, hopefully would increase business.

Chairman Olenius stated I have nothing against what you're requesting here. Um, the only thing is, typically we ask for a weigh in from Planning...

Mrs. Smith stated yep.

Chairman Olenius stated um, because they're kind of the sign guys...

Mrs. Smith stated mm hmm.

Chairman Olenius stated and they will send us, you know some type of memo...

Mrs. Smith stated right.

Chairman Olenius stated after they've reviewed it, as well...

Mrs. Smith stated right.

Chairman Olenius stated so I'd probably want to defer this just until then could get a look at it...

Mrs. Smith stated okay.

Chairman Olenius stated and make sure that it's in keeping with what they're trying to do throughout the town...

Mrs. Smith stated okay.

Chairman Olenius stated um, but I understand...

Mrs. Smith stated so the denial letter from the Building Department isn't enough...

Chairman Olenius stated n—

Mrs. Smith stated sending – okay. And the...

Chairman Olenius stated it's – it's enough to send you here...

Mrs. Smith stated right.

Chairman Olenius stated I'm just not comfortable making a judgment without their input...

Mrs. Smith stated okay.

Chairman Olenius stated because we've never done a sign variance without some input from the Planning Board...

Mrs. Smith stated okay.

Chairman Olenius stated and if they haven't seen anything on it yet, or given us anything, I'm just reluctant to...

Mrs. Smith stated okay.

Chairman Olenius stated start a new precedent.

Mrs. Smith stated and the reason that we skipped – I did speak to Rich about it – and the reason we skipped that step is I'm on a deadline with Napa [laughter].

Chairman Olenius stated oh.

Mrs. Smith stated I have to order those signs and have it installed by December 2nd. Six weeks to make it, so...

Chairman Olenius stated oh.

Mrs. Smith stated that was kind of how – when I spoke to Rich, I said: How do I... I missed his September meeting, so, he said: You have to go to the Building Department. Get a denial letter. Come to you guys... and then if you referred me back, that...

Chairman Olenius stated when does Planning meet next [to the secretary].

The Secretary stated Planning is two...

Mrs. Smith stated November...

The Secretary another two weeks.

Mrs. Smith stated it's not til November I think.

The Secretary I think they're the first week of November...

Mrs. Smith stated or the second...

The Secretary stated that's what I want to say.

Mrs. Smith stated right, the paperwork's due by the 27th maybe, for the following... I think...

The Secretary stated I can look it up.

Board Member Burdick stated don't they have another one at the end of this month.

The Secretary said I think they have...

Mrs. Smith stated no...

The Secretary stated I thought they had one more...

Board Member Burdick stated they meet twice – they meet twice a month.

The Secretary stated right. I think they have one more...

Mrs. Smith stated I thought Rich told me November, because I did speak to him about it.

Nancy Tagliafierro stated is there some way you can...

The Secretary stated can you give me one second.

Nancy Tagliafierro stated yeah.

Mrs. Smith stated yeah, absolutely.

Board Member Burdick stated because one is a work session and then one is an actual meeting...

Mrs. Smith stated the actual meeting.

Board Member Burdick stated and I can't remember which is which. But, it's like the first and last Thursday...

Chairman Olenius stated but they can handle something like this in their work session, because it's really just...

Board Member Burdick stated absolutely.

Chairman Olenius stated we're just looking for their comment...

Nancy Tagliafierro stated recommendation, yeah.

Mrs. Smith stated okay.

Chairman Olenius stated you know, on it. It's not – you wouldn't have to wait for the full public forum...

Mrs. Smith stated okay.

Chairman Olenius stated one. It's just to know that they had... seen what you were...

Mrs. Smith stated right.

Chairman Olenius stated expressing. We're – they're more the design stage, and we're more the size...

Mrs. Smith stated right.

Chairman Olenius stated stage of the whole thing.

Mrs. Smith stated and that's why he said in order to even get to you guys, you have to go to the Building Department. Let them deny you. It at least gets you on the, you know, meeting schedule with you guys.

The Secretary stated they have a work session the 30th, which is two Thursdays...

Nancy Tagliafierro stated and then our next meeting...

The Secretary stated and then the next meeting is November 6th. They're one right after the other for those two meetings.

Nancy Tagliafierro stated but, when is our next meeting.

The Secretary stated our next meeting is...

Nancy Tagliafierro stated the 18th...

The Secretary stated November 18th. It's a Tuesday.

Mrs. Smith stated yeah.

Board Member Bodor stated that's cutting it close.

Board Member Burdick stated do you have something in writing from Napa that they have this requirement.

Mrs. Smith stated I don't, but I certainly could get it.

Board Member Burdick stated is there any way you can get an extension from them because of timing.

Mrs. Smith stated I can try [laughter]. They're...

Board Member Burdick stated when did you say – you have to have it ordered or installed then.

Mrs. Smith stated I have to have it installed by December 2nd.

Chairman Olenius stated and it's six weeks to build it.

Mrs. Smith stated yeah. The problem was, we battled back and forth because the sign is \$4,000, so it's not cheap. So, we were battling... the front one is not illuminated, so we were battling back and forth over the prices and the sizes and oh my god, this is so expensive [laughter] – you know, we were...

Board Member Burdick stated what happens if you don't get it installed by the second.

Mrs. Smith stated uh... I mean, I don't think there's – it's not like I get in trouble, you know...

Board Member Bodor stated they won't pull the franchise or anything...

Mrs. Smith stated I – I don't know...

Chairman Olenius stated well I think that...

Mrs. Smith stated I can call and certainly ask [inaudible – too many speaking]...

Chairman Olenius stated I think you have a legitimate argument, because, you know, it requires...

Mrs. Smith stated yeah...

Chairman Olenius stated our approval...

Mrs. Smith stated absolutely...

Chairman Olenius stated to do it, so...

Mrs. Smith stated absolutely.

Board Member Bodor stated yeah.

Mrs. Smith stated and again, obviously, you know, we were hoping we could come and, you know, get the variance, so...

Chairman Olenius stated I – I'm sorry, I'm just...

Mrs. Smith stated okay.

Chairman Olenius stated like I said, I'm leery to keep them out of the loop because...

Board Member Burdick stated we'd hate to give you...

Chairman Olenius stated we kind of work together with them pretty well...

Board Member Burdick stated yeah, we'd hate to give you the variance and then they have a problem with something...

Mrs. Smith stated okay.

Board Member Fox stated the aesthetics of the sign.

Board Member Burdick that you'd have to end up coming back to us anyway because they don't want to approve something, I...

Mrs. Smith stated okay.

Nancy Tagliafierro stated and then you'd pay for a sign you can't even install.

Board Member Burdick stated yeah.

Mrs. Smith stated right. Exactly. So... if they do their work session on the 30th, I still have to go to their meeting on the 6th and come here...

The Secretary stated not necessarily...

Nancy Tagliafierro you – you have to be before them once, and then come back to us on November 18th.

Mrs. Smith stated okay, so I still have to come back here November 18th...

Nancy Tagliafierro stated yes.

Chairman Olenius stated you have to come to us for the final...

Mrs. Smith stated okay.

Chairman Olenius stated decision, um... if they'll look at it at their work session, you know, without your input, I don't know. But, either way, their – both their meetings are before...

Mrs. Smith stated right.

The Secretary stated if not, their regular meeting is going to be the 6th. Our deadline is the 4th. But as long as they're able to get the – the paperwork in, it's just...

Mrs. Smith stated and I think that's what – right.

The Secretary stated exactly.

Chairman Olenius stated and you've submitted everything that we need...

Mrs. Smith stated right.

Chairman Olenius stated really...

Mrs. Smith stated okay.

Chairman Olenius stated by deadline, so I'm just going to table this. So, technically you've made your deadline with us in my mind, because it's the initial...

Mrs. Smith stated okay.

The Secretary stated right.

Nancy Tagliaferro stated I agree.

Chairman Olenius stated and I'm tabling it, so...

Board Member Burdick stated yeah.

Board Member Bodor stated right.

Chairman Olenius stated I don't think that [inaudible] comes into play.

Mrs. Smith stated okay.

Chairman Olenius stated we're just going to wait on some feedback from them and we'll be able to make a decision on the 18th...

Mrs. Smith stated okay.

Chairman Olenius stated which is a Tuesday.

Board Member Burdick stated but, is she – do you have something in before the Planning Board already.

Mrs. Smith stated no.

Board Member Burdick stated no, so you just need to meet that – the deadline for them...

Chairman Olenius stated oh, okay...

The Secretary stated right.

Board Member Burdick is what you were saying, right, Mary.

Chairman Olenius stated I'm sorry.

Mrs. Smith stated correct.

Board Member Burdick stated okay.

The Secretary stated right.

Mrs. Smith stated which I think – what – I’m sorry...

The Secretary stated their deadline is going to be the 21st, so you have...

Mrs. Smith stated so Tuesday.

The Secretary stated you have time, yeah.

Mrs. Smith stated and I have to fill out basically the same application, no...

Nancy Tagliafierro stated or is it just on a referral from us...

The Secretary stated I...

Chairman Olenius stated that’s what I’m wondering. I...

Nancy Tagliafierro stated yeah, we just refer it to them with a memo...

The Secretary stated right...

Nancy Tagliafierro stated our application to them...

Chairman Olenius stated I’m referring them this application...

Nancy Tagliafierro and ask them for comments...

The Secretary stated right...

Mrs. Smith stated okay...

Chairman Olenius stated for comment...

Nancy Tagliafierro stated so, yeah, you don’t need to do anything...

Board Member Burdick stated so she doesn’t need to submit anything, besides – okay...

The Secretary stated right, right...

Board Member Fox stated I don’t think... [inaudible – too many talking]

Mrs. Smith stated okay, so no application...

The Secretary stated no...

Chairman Olenius stated because then you'd have to have another application fee, and that's not the point here...

The Secretary stated no, no...

Chairman Olenius stated I'm asking for their help...

Mrs. Smith stated okay...

Nancy Tagliafierro stated right...

Chairman Olenius really, you are...

Mrs. Smith stated no – and I just want to verify so I don't miss it...

Board Member Burdick stated but I thought – I thought the Planning Board did issue sign permits. I thought you did have to apply to them for a sign. Am I wrong.

Mrs. Smith stated Rich said that I could apply to him for the sign and let him put it over to you guys. I had missed their deadline for September...

Board Member Burdick stated mm hmm.

Mrs. Smith stated and I was trying to make this meeting...

Nancy Tagliafierro stated yeah...

Mrs. Smith stated so, Rich's suggestion was...

Nancy Tagliafierro stated you come in here first...

Mrs. Smith stated go to the Building Department...

Nancy Tagliafierro stated because they're exceeding...

Mrs. Smith stated because in the code it says...

Nancy Tagliafierro permitted size.

Mrs. Smith stated you can get a denial letter from the Building Department or the Planning Board. So, he said you'll at least make the...

Nancy Tagliafierro so, she is going to need to put in an application...

Mrs. Smith stated qualification to get pushed over to the variance...

Board Member Burdick stated yes.

The Secretary stated a separate sign application.

Nancy Tagliafierro stated yeah...

Board Member Burdick stated yes, because...

Nancy Tagliafierro stated a separate sign application for the Planning Board...

Board Member Burdick stated because they won't know what to suggest to us without something from her, I mean...

Chairman Olenius stated right. I apologize...

The Secretary stated okay...

Nancy Tagliafierro stated but I think she still needs their approval...

Board Member Burdick stated yeah...

Nancy Tagliafierro stated on the sign itself...

Board Member Burdick stated I believe that they're – they have a permanent...

Nancy Tagliafierro stated since it's...

The Secretary stated okay...

Board Member Burdick stated they have an approval process.

Mrs. Smith stated okay.

Chairman Olenius stated so I'm going to make a motion to table this until next month...

Mrs. Smith stated okay.

Chairman Olenius stated let you iron all that out. I mean most of your – I'm sure their application isn't all that different from ours...

The Secretary stated no.

Chairman Olenius so most of your stuff is probably transferrable between the two...

Mrs. Smith stated okay...

Chairman Olenius stated you know.

Mrs. Smith stated perfect.

Board Member Fox stated yeah, just put –

Mrs. Smith stated are you...

Board Member Fox stated I would suggest for the Planning Board to give them the color pictures.

Board Member Burdick stated yes.

Mrs. Smith stated yeah, and...

The Secretary stated is it –

Mrs. Smith stated I think Rich already has them.

Board Member Fox stated okay.

The Secretary stated does – okay, because...

Mrs. Smith stated because he was the one that I went to first trying to figure out how I could try to make a meeting, and get under the deadline.

The Secretary stated can I hang on to these, so I can...

Mrs. Smith stated hang on to them...

The Secretary stated okay...

Mrs. Smith stated and then if he needs other copies or whatever, I certainly can go get more color copies. That's not a problem.

The Secretary stated okay.

Mrs. Smith stated that's... you have all of them.

The Secretary stated I have all of them, yes.

Mrs. Smith stated okay.

The Secretary stated okay.

Mrs. Smith stated so I'll get the application and then go to them on the 6th, right. Okay. Thank you.

Board Member Burdick stated thank you.

Chairman Olenius stated thank you very much, and we will see you on the 18th, which is a Tuesday, because it's – November we do Tuesday.

Mrs. Smith stated hmm.

Board Member Burdick stated hmm.

Chairman Olenius stated hmm.

[Laughter].

Mrs. Smith stated what time.

The Secretary stated 7:00.

Board Member Burdick stated 7:00.

Board Member Bodor stated 7:00.

Nancy Tagliafierro stated 7:00 PM.

Mrs. Smith stated hmm... okay.

Chairman Olenius stated or Mr. Smith. Or...

Mrs. Smith stated hmm...

[Laughter].

Mrs. Smith stated um... I – well, I work right at the court house so, I'll – we have court on Tuesdays, but I'll... make sure.

Chairman Olenius stated okay.

Mrs. Smith stated I'll be here.

Chairman Olenius stated if something comes up just let us know.

Mrs. Smith stated okay.

Chairman Olenius stated we can make a decision without you being here...

Mrs. Smith stated okay.

Chairman Olenius stated but it's usually nicer if you could just...

Mrs. Smith stated and I'm sure we can...

Chairman Olenius stated I can tell you this...

[Inaudible – too many speaking].

Chairman Olenius you are going to be our only holdover. You're going to be our only holdover. You're going to be number one on the agenda.

Mrs. Smith stated okay.

Chairman Olenius stated and right after –

Board Member Fox stated no, that's not true.

Chairman Olenius stated that's not true. Ruisi is the first one.

Mrs. Smith stated and that's okay because I'd rather be last...

Chairman Olenius stated okay.

Mrs. Smith stated if I could, because then I'll probably be done at work and can come over.

Chairman Olenius stated okay.

Mrs. Smith stated so, if I go last that's actually better for me.

Chairman Olenius so do you want to make note of that, secretary...

The Secretary stated yes.

Mrs. Smith stated does that...

Chairman Olenius stated if others come in, then we can put her at the end, so...

Mrs. Smith stated yeah... and I may make it by 7:00...

Chairman Olenius stated okay.

Mrs. Smith stated but just in case not...

The Secretary stated right.

Mrs. Smith stated I don't want to miss it, that's all.

Chairman Olenius stated okay.

Mrs. Smith stated and if Mr. Smith can come, I'll send him. But, he's having foot surgery on the 21st, so I don't know. We'll figure it out.

[Laughter].

Mrs. Smith stated thank you very much.

Chairman Olenius stated thank you.

Board Member Bodor stated goodnight.

Board Member Burdick stated goodnight.

Chairman Olenius stated I forgot about Ruisi.

Board Member Bodor stated when you said – when you said Teresa, I knew exactly... [Inaudible – papers shuffling]

4) Other Business

Chairman Olenius stated that's right. Huh.

Board Member Bodor stated what now.

Chairman Olenius stated Mr. Roman requested that – to waive the fees on his application. He wrote a note to us – or to the Town Board in light of the fact that the building inspector approved all of this stuff.

Nancy Tagliafierro stated do you have it.

Board Member Bodor stated oh, it's that one. Okay. I did see it, but I didn't remember it was that one... well, I would have a problem with that because we did have to go out there, um, and we spent a lot of time on it, so I think the fee is justified.

Board Member Burdick stated I agree.

Chairman Olenius stated pretty much what my mind was swimming with right there, we actually did – everybody site walked it... so... if the secretary could draft a memo to the Town Board, um, saying that we feel the fees are justified, and...

The Secretary stated sure.

Chairman Olenius stated his letter was addressed to the Town Board.

The Secretary stated yes.

Board Member Bodor stated Mr. Griffin, right.

Board Member Fox stated yes, to Mr. Griffin.

Chairman Olenius stated to Mr. Griffin. Okay.

Board Member Bodor stated yeah.

Chairman Olenius stated so the memo from myself that they [inaudible – papers shuffling]... that we feel the fees are justified due to time spent...

The Secretary stated okay.

Chairman Olenius stated on the applicant.

5) MINUTES

Chairman Olenius stated I cruised through the minutes, um, all online, though. I did not look at a hard copy. I could not see any issues with them.

Board Member Bodor stated no. They looked okay to me.

Board Member Fox stated um, there was –

Board Member Carinha stated oh, that's right.

Board Member Fox it's not for the minutes, but for the – for Mr. Roman's denial...

Board Member Carinha stated yeah.

Board Member Fox stated um, there's a statement about that he was issued a...

Board Member Carinha stated that's right.

Board Member Fox stated building permit in October of 2014...

Board Member Carinha stated 14...

Board Member Fox stated but it's October 25th...

Board Member Carinha stated 2000...

Board Member Fox stated 2013.

The Secretary stated 13.

Board Member Carinha stated yeah.

Chairman Olenius stated oh, that was in the...

Board Member Fox stated that was in the write up.

Board Member Carinha stated yeah.

Chairman Olenius stated okay.

Board Member Fox stated that was a good catch.

Board Member Carinha stated yeah. That was...

Chairman Olenius stated so that was in the resolution.

Board Member Fox stated that was in the resolution.

Board Member Carinha stated yeah, the resolution.

Chairman Olenius stated oh, okay.

Board Member Fox stated sorry I didn't mean to. Look...

Board Member Carinha stated it's [inaudible] here... I'm looking at the wrong thing...

The Secretary stated I found it.

Board Member Carinha stated yeah, it's, uh...

The Secretary stated I found it, yeah.

Board Member Carinha stated it's like mid-page...

The Secretary stated mm hmm.

Board Member Carinha stated it says October 15, 2014.

Chairman Olenius stated so if the secretary could make the correction on that, now I see it. Is that suitable [to Nancy Tagliafierro].

Nancy Tagliafierro stated yes.

Chairman Olenius so, I'll make a motion to accept the minutes from September.

Board Member Bodor stated second.

Chairman Olenius stated all in favor.

Motion carried by a vote of 5 – 0.

Chairman Olenius stated okay. Is this note here part of other business or is this just an informative note from...

The Secretary stated that is an application that's going to be coming in.

Chairman Olenius stated okay.

The Secretary stated uh...

Chairman Olenius stated this is just a precursor.

The Secretary stated for an interpretation. Rich wrote that up. He just wanted you guys have it ahead of time.

Chairman Olenius stated okay.

The Secretary stated but that will – if all the paperwork’s in on time – that’s hopefully going to be in for November’s meeting.

Chairman Olenius stated okay. So we’ll review it before November’s meeting then. I just wanted to make sure it wasn’t a hot topic.

Board Member Bodor stated where is Wesley Road.

The Secretary stated Put[nam] Lake.

Board Member Bodor stated okay.

Chairman Olenius stated alright. I make a motion to adjourn.

Board Member Bodor stated I’ll second it.

Chairman Olenius stated all in favor.

Motion passed by a vote of 5 – 0.

Meeting adjourned at 7:45 PM.