

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
October 19, 2011**

AGENDA & MINUTES

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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
Gerald Herbst

PLANNING BOARD

Shawn Rogan, Chairman
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**Zoning Board of Appeals
October 19, 2011 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 Howard Buzzutto, Board Member Gerald Herbst, Joe Charbonneau, Attorney with Town Attorney's Office, Rich Williams, Town Planner.

Chairman Olenius called the meeting to order at 7:03 p.m.

There were approximately 5 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

1) PATRICIA TANZI CASE #03-11

Ms. Patricia Tanzi was present.

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 19, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Patricia Tanzi Case #03-11 – Special Use Permit

The Secretary stated you want me to read it all.

Chairman Olenius stated I don't think so. It's already on the record already. Ms. Tanzi.

Ms. Patricia Tanzi stated yes.

Chairman Olenius stated how are you. It's good to see you again.

Ms. Tanzi stated yes. Same here.

Chairman Olenius stated any new news for us.

Ms. Tanzi stated I've been working on it; I hired an engineer. Jack Karell I think it is. Yeah, Karell. That's...I'm just working on it. So I just, you know...

Chairman Olenius stated when we took the site walk back in March, April...

Ms. Tanzi stated yeah.

Chairman Olenius stated there was discussion of you renovating, for a lack of a better word, what was first termed the second bedroom...

Ms. Tanzi stated right. The room, right.

Chairman Olenius stated by removing the door and the wall. Was that...

Ms. Tanzi stated I haven't done that yet because I'm waiting for...to make sure everything goes through, you know, before I tear everything out, you know.

Chairman Olenius stated okay, but you secured an engineer now to...

Ms. Tanzi stated oh, yes.

Chairman Olenius stated and you're still in contact with the Health Department.

Ms. Tanzi stated yeah. He's working with...I had several meetings with Mike Griffin. And they had a meeting the other day, so...We're working on it. I'm trying to get it done.

Board Member Bodor stated exactly what are you working on. What are you addressing now.

Ms. Tanzi stated first of all, the Health Department came back that it's six bedrooms and they're going back and forth with it. And then how they wrote it up, the wording, they gave me three different choices what to do. So, you know, the first two weren't an option: rip everything out. And then I really...I'm a little concerned because the last one is, you know, hire an engineer to figure out...Because there's more there than was just done in 1960 because the people before me did it and informed my husband of this, that and the other thing. But they never did anything, I guess, legal, to put it in. So we have to kind of like verify it, what there is in the ground. But according to the Health Department, they want that but then at the end they say, well, if it's not up to par, you know, their standards, I have to rip everything out and put

something new in. I mean, this is a big expense and I feel the system's been working all these years. I've never, ever had a problem with it. You know, so I was kind of a little leery with that but we're all going to, you know, work on it and see what we can do with, you know, the Health Department.

Chairman Olenius stated so as of right now, you're just trying to verify what's in the ground to appease the Health Department.

Ms. Tanzi stated well, Jack is... You know, Mr. Karell is handling it, you know, however we have to go from this point. I was told to come tonight to, you know, find your verdict. You know, what your decision was, and then we've got to go from there.

Board Member Bodor stated so the Health...the septic system...

Ms. Tanzi stated Rich [Williams] was in on the meeting, too. Rich was in the meeting, too, yesterday.

Board Member Bodor stated the septic system has...issue has not been resolved.

Ms. Tanzi stated no. No, no. Not yet. I had to hire an engineer.

Board Member Bodor stated you've hired an engineer...

Ms. Tanzi stated yes.

Board Member Bodor stated to look into that.

Ms. Tanzi stated yes. There's...

Board Member Bodor stated you're looking for a decision from us based on what's there, and we don't...

Ms. Tanzi stated I was told to come tonight.

Board Member Bodor stated we don't have the documentation...

Ms. Tanzi stated because I had to come in front of you to get some permission...

Board Member Burdick stated who told you to come.

Ms. Tanzi stated Rich.

Chairman Olenius stated I think it was more for just to update the record...

Ms. Tanzi stated oh, okay.

Chairman Olenius stated as to where your status was...

Board Member Burdick stated you don't want us to vote tonight.

Chairman Olenius stated and... Yeah, I don't think you want us to vote.

Board Member Burdick stated because we have to vote on the information we have, not...

Ms. Tanzi stated right.

Board Member Burdick stated what you may find with your engineer.

Ms. Tanzi stated yes.

Board Member Burdick stated so that may shed different light on the situation.

Ms. Tanzi stated sure.

Board Member Burdick stated so you really should have all the information.

Ms. Tanzi stated right. I didn't understand why, you know...But he told me to come, so...

Chairman Olenius stated I think it's just because it's been laying dormant for quite some time...

Ms. Tanzi stated okay.

Chairman Olenius stated and we kind of want to update the record as to...

Ms. Tanzi stated oh, alright.

Chairman Olenius stated you know, where you were, you know...

Ms. Tanzi stated okay.

Chairman Olenius stated what you were up to. Because we've been getting your letters asking, you know, requesting...

Ms. Tanzi stated well, because...

Chairman Olenius stated hold over...

Ms. Tanzi stated Mr. Griffin was trying to get me an engineer and they never called me back. And so I went on my own.

Chairman Olenius stated okay.

Board Member Burdick stated would you mind having Mr. Karell send a letter to us just saying that he's working on the project for the record.

Ms. Tanzi stated no problem.

Board Member Burdick stated okay. Just so we have a complete record.

Ms. Tanzi stated yeah, sure.

Board Member Burdick stated great.

Chairman Olenius stated do you...

Ms. Tanzi stated yeah.

Chairman Olenius stated any anticipation of how long it's going to take him to...

Ms. Tanzi stated I have no idea.

Chairman Olenius stated okay.

Board Member Burdick stated he's probably going to have to do some test holes and...

Ms. Tanzi stated yeah, I have no idea. Like I said, he had a meeting with Rich and Mr. Griffin yesterday.

Board Member Buzzutto stated well, is the agenda going to read the same or is there going to be changes in that. Do you know.

Chairman Olenius stated I think she's still looking for the same variances.

Board Member Buzzutto stated the same variances...

Ms. Tanzi stated yeah.

Board Member Buzzutto stated stuff like that.

Board Member Burdick stated she just can't do any of the changes we spoke about when we were out there because she doesn't know what the Health Department's...

Board Member Buzzutto stated right.

Board Member Burdick stated going to come back and tell her. She's waiting to gather all the information before she decides which way to go. Is that correct.

Ms. Tanzi stated yes. I believe so.

Board Member Buzzutto stated okay.

Ms. Tanzi stated because he's saying it's six bedrooms according to the (inaudible). How do you consider a kitchen a bedroom. And they say water.

Chairman Olenius stated oh yes. I see that in their...

Ms. Tanzi stated yeah. See.

Chairman Olenius stated one of their letters they...

Ms. Tanzi stated yeah.

Chairman Olenius stated submitted here, August 25th. Main house and apartment, okay.

Board Member Buzzutto stated so does it have to be tabled again for...

Chairman Olenius stated right. So you're going with option three of the Health Department recommendations.

Ms. Tanzi stated yes.

Chairman Olenius stated have a licensed professional engineer verify that the current septic system tank and fields is large enough to support six potential bedrooms and the existing system has to meet current code. I just want to enter that into the record. That's the option that...

Ms. Tanzi stated yes. That's the one.

Chairman Olenius stated okay. I guess we'll hold you over for another month.

Ms. Tanzi stated I'll have Jack send you a letter.

Chairman Olenius stated yeah. If you can do that and just keep us updated, you know, as much as possible.

Ms. Tanzi stated yeah, absolutely.

Chairman Olenius stated I don't like to hang onto these for...

Ms. Tanzi stated well, please. I wish I could do it myself.

Chairman Olenius stated no, I know you don't either. I know. I was reading your letters there.

Ms. Tanzi stated oh my god.

Chairman Olenius stated alright, we won't do any rulings tonight. We'll hold it over again until you can get us more information. Hopefully we'll get this resolved.

Ms. Tanzi stated hopefully I do.

Board Member Bodor stated okay, thank you.

Chairman Olenius stated thank you for coming.

Board Member Burdick stated thank you.

Chairman Olenius stated good luck.

Ms. Tanzi stated you're welcome.

2) **JING ZHANG CASE #16-11**

Mr. Jing Zhang and Ms. Marilyn Lam were both present.

The Secretary read the following legal notice:

Jing Zhang Case #16-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of Regulations, in order to construct a 12' x 12' shed attached to an existing garage. Applicant also wishes to construct a roof (breezeway) between the dwelling and garage with a rear overhang; and a ground level front deck. By adding the roof and attaching the shed to the garage, all structures become one (principal) structure. The Code requires there to be a side yard setback of 15'; Applicant can provide 0'; Variance requested for is 15'. This property is located at 9 Saginaw Road (RPL-10 Zoning District).

Chairman Olenius stated good evening.

Ms. Marilyn Lam stated good evening.

Chairman Olenius stated how are you.

Ms. Lam stated he is Mr. Zhang. I am a friend of his and I am also a resident of Patterson. He speaks very little English. Do you want him to speak in Chinese and I'll translate or I can represent him completely.

Chairman Olenius stated as long as he understands the questions that we ask, that you can...

Ms. Lam stated okay.

Chairman Olenius stated translate it for him, you can...

Ms. Lam stated okay.

Chairman Olenius stated it's fine for you to give us the answers.

Ms. Lam stated thank you.

Board Member Bodor stated could we have your name for the record.

Board Member Buzzutto stated you want to do the oath.

Ms. Lam stated oh, okay. My name is Marilyn Lam. L-A-M.

Board Member Bodor stated thank you.

Ms. Lam stated thank you.

Chairman Olenius stated by the way, do you swear the testimony you provide tonight will be the truth and the whole truth.

Ms. Lam stated yes.

Chairman Olenius stated okay. You heard what the Secretary read from the public record. Are you in agreement with what was published...

Ms. Lam stated yes.

Chairman Olenius stated with regards to the construction you're requesting.

[Ms. Lam translates to Mr. Zhang].

Mr. Jing Zhang stated yes.

Chairman Olenius stated okay.

Ms. Lam stated yes.

Chairman Olenius stated so we have multiple projects going on here it looks to me. It's not just...It seems like it's in a separate location...

Ms. Lam stated yeah, totally three.

Chairman Olenius stated three.

Ms. Lam stated yes.

Chairman Olenius stated okay.

Ms. Lam stated excuse me, can we comment. On the graph that you will...you are reading right now, they are not in scale. He made a mistake while he was drawing in a hurry [referring to diagrams submitted in application packet].

Chairman Olenius state this one.

Ms. Lam stated no, the other one.

Chairman Olenius stated this one.

Ms. Lam stated no, I'm sorry. This one. The one with the overhang. That's not in proportion. Yes, that's it.

Chairman Olenius stated this is out of scale.

Ms. Lam stated out of scale. He made a mistake when he was doing the measurement.

Chairman Olenius stated okay.

Ms. Lam stated can I submit the revised that he made yesterday. We don't have a copy [referring to not having enough of the revisions for the entire Board].

The Secretary stated I'll go make copies.

Ms. Lam stated thank you so much.

Board Member Buzzutto stated why does he want to attach his shed to the garage. What is the purpose of that.

Ms. Lam stated okay, there are three projects. So I can name the shed is project A. The reason that he needed a new one, there's a old one attached to his garage which is behind...which is down behind the slope. Has been old and also torn. So in the winter time it's all wet, completely. From the snow storm like this year, early this year, he is not possible to move his snow blower up the hill and do his work. So everything is...got wet. I have pictures in here that show how bad it is. That's why he wants to build a new shed which is above the ground, away from the wetness. And here's the pictures that show the water damage and everything.

Chairman Olenius stated thank you. That is replacing Project B.

Ms. Lam stated okay.

Chairman Olenius stated oh, this...I see. This incorporates B and C.

Ms. Lam stated that's right.

Chairman Olenius stated B and C.

Ms. Lam stated B and C.

Chairman Olenius stated okay. And this one is to scale, the new one that you submitted.

Ms. Lam stated that's the right scale. Yeah, we discovered yesterday that it was wrong.

Chairman Olenius stated oh, okay.

Ms. Lam stated sorry about that.

Board Member Bodor stated here B and C are not next to each other, they are separated. So how can this be B and C.

Ms. Lam stated oh, it's not there. Right now, it's an empty lot. If you see the pictures in here...

Chairman Olenius stated oh, I see.

Ms. Lam stated it's a complete empty.

Board Member Bodor stated I don't understand.

Chairman Olenius stated I see what she...

Board Member Bodor stated because this is labeled...

Chairman Olenius stated this is actually A and B. C is actually the shed in your notations.

Board Member Bodor stated C is the shed on the property line.

Chairman Olenius stated right.

Board Member Bodor stated is this suppose to be...

Chairman Olenius stated according to the survey here...

Ms. Lam stated okay.

Chairman Olenius stated is the shed. So this sketch is for A and B.

Ms. Lam stated oh, okay.

Chairman Olenius stated I'm assuming.

Ms. Lam stated alright. That's true. That's true. Okay, wrong. Okay. So we put the A and B is the overhang and also the deck and the C will be the shed, the new shed.

Chairman Olenius stated okay. Got you.

Ms. Lam stated I apologize.

Chairman Olenius stated it's okay.

Board Member Burdick stated it looks like she had A on here originally and changed it to C.

Board Member Bodor stated yeah. This is an open...this an open deck. Fit a roof with a rear overhang and ground level for a deck. This must be...Is C...No. A. Is A the ground level front deck.

Ms. Lam stated yes. Right now.

Board Member Bodor stated this is the ground level deck.

Ms. Lam stated that's A.

Board Member Bodor stated okay.

Ms. Lam stated the property is kind of slanted; go downhill.

Board Member Bodor stated oh, okay. Now on this survey, this is C over here and that's a shed; a new construction shed.

Ms. Lam stated that's right.

Board Member Bodor stated why...

Ms. Lam stated in September...

Board Member Bodor stated yeah.

Ms. Lam stated he's a new immigrant. He's been here for five or six years. And then he thought he was just building a moveable shed just like the one that you can buy from Home Depot. So he went and go ahead and do it. And then he received a letter saying that, oh, you are building something. And then that is why we came in...I came in with him to file the application to get the building permit.

Board Member Bodor stated well, is this shed C already there then. Is it in...

Ms. Lam stated the slab...

Board Member Bodor stated existence.

Ms. Lam stated yes.

Board Member Bodor stated it's already built.

Ms. Lam stated it's already built. That's why he got the letter.

Board Member Bodor stated are you understanding. That's already there right on the sideline.

Ms. Lam stated I have pictures in here.

Chairman Olenius stated right.

Board Member Bodor stated yeah. Okay.

Ms. Lam stated here's the pictures.

Board Member Bodor stated is that what it looks like today or is it all...

Ms. Lam stated yes.

Board Member Bodor stated closed in.

Ms. Lam stated no, it's not closed in.

Board Member Bodor stated so it's...

Ms. Lam stated this is how it is right now.

Board Member Bodor stated in construction.

Ms. Lam stated in construction.

Board Member Bodor stated okay.

Ms. Lam stated and then he realized that he need to get a permit.

Board Member Bodor stated yeah.

Chairman Olenius stated these were the pictures of the old shed (inaudible) that was submitted.

Board Member Bodor stated and that was in here somewhere. Oh yes.

Chairman Olenius stated I think this says framed [referring to the survey].

Board Member Bodor stated framed. Oh, it's not former, alright.

Chairman Olenius stated no, I believe it's still there.

Board Member Bodor stated okay.

Chairman Olenius stated that's what's in existence today.

Board Member Bodor stated alright.

Board Member Buzzutto stated this is a new.

Chairman Olenius stated by the sideline.

Board Member Bodor stated now this shed back here...

Board Member Buzzutto stated this the is new one, right.

Chairman Olenius stated right.

Board Member Bodor stated on the back of the garage...

Chairman Olenius stated they stopped.

Board Member Bodor stated is that there.

Chairman Olenius stated yeah, they got...

Board Member Bodor stated is that a frame. What is the FMR...FRM mean. Frame or Former [referring to a shed on the survey].

Board Member Buzzutto stated 12' x 12'. When you attach it...

Board Member Bodor stated is it there.

Board Member Buzzutto stated does that change the...

Ms. Lam stated it is there.

Board Member Bodor stated it is there. There's a shed...

Board Member Buzzutto stated side...the shed.

Ms. Lam stated it is there, it was there.

Board Member Bodor stated it's still there.

Ms. Lam stated it's still there. Yes. The previous owner built it.

Board Member Bodor stated okay.

Board Member Buzzutto stated or if it's attached and stuff, does that change the...

Chairman Olenius stated it makes it part of the whole principal structure.

Board Member Buzzutto stated that's what I mean.

Chairman Olenius stated so you don't need the separation between...Like, you wouldn't need that variance for the separation.

Board Member Buzzutto stated it wouldn't be called a shed then, anymore. Well, or a garage.

Chairman Olenius stated I guess a garage.

Board Member Buzzutto stated yeah.

Board Member Burdick stated attached garage.

Ms. Lam stated may I ask something.

Chairman Olenius stated sure.

Ms. Lam stated okay, last time we came here and then it was suggested by the Fire Marshal, that...saying that the shed should be attached to the garage so in that case...

Chairman Olenius stated they suggested that.

Ms. Lam stated yes, right.

Chairman Olenius stated so you didn't have to have that separation.

Ms. Lam stated yes. And he said that stop all the work and then wait till the public hearing then in order to know what to do.

Board Member Buzzutto stated how big is the property.

Ms. Lam stated and by the way, that slab is kind of very loose, moveable.

Chairman Olenius stated oh, okay.

Ms. Lam stated yes.

Chairman Olenius stated it was built on top, probably (inaudible) structure. Is there a residence on this adjoining property here.

Ms. Lam stated okay, let me just [Ms. Lam translated to Mr. Zhang].

Ms. Lam stated it's an open space. No one lives there.

Chairman Olenius stated it's open space. He does not own these lots though.

Ms. Lam stated no.

Chairman Olenius stated okay.

Ms. Lam stated it's a big open space.

Board Member Herbst stated that would put him right up to the property line.

Chairman Olenius stated right. Does anyone in the audience have a comment on this case. I...I want to speak for myself now, but I think we have to go out and take a look.

Board Member Burdick stated yeah.

Board Member Bodor stated yes.

Chairman Olenius stated we're going to have to come out and take a look at this property just to be able to fully absorb what's there, like, to see the surrounding neighborhood and everything...

Ms. Lam stated okay, sure.

Chairman Olenius stated before we could make a decision on this. So my only question to you is being that you can be the interpreter, would you be available to...

Ms. Lam stated sure.

Chairman Olenius stated meet us there, just so when we are asking questions on the site.

Ms. Lam stated yeah. I need to know in advance.

Chairman Olenius stated she would give you...Secretary would give you, you know, one date and then an alternate date and...

Ms. Lam stated okay.

Chairman Olenius stated evenings better. Weekends better.

Ms. Lam stated Friday or Saturday.

Chairman Olenius stated okay.

Ms. Lam stated let me explain to him.

Chairman Olenius stated yes.

[Ms. Lam translated what was said to Mr. Zhang].

Ms. Lam stated yes. He agreed.

Chairman Olenius stated it's just there's so many pieces to this application, you know...

Ms. Lam stated yes.

Chairman Olenius stated with all three.

Ms. Lam stated I agree.

Chairman Olenius stated we kind of really need to see it to be able to absorb it and...

Ms. Lam stated it's true.

Chairman Olenius stated make an informed decision.

Ms. Lam stated true.

Chairman Olenius stated so we'll set a date. We don't know it right now, but we'll set one shortly and the Secretary will be in contact with you.

Ms. Lam stated okay.

Chairman Olenius stated does she have your phone number.

The Secretary stated do I have yours.

Ms. Lam stated I don't think so. I can give it to you though.

The Secretary stated okay. Is this yours [referring to a phone number on the application].

Ms. Lam stated yes. No. That's his.

The Secretary stated okay.

Ms. Lam stated I'll give you it.

[Ms. Lam writes down her number for the Secretary].

Chairman Olenius stated so we're just going to hold this over for a site walk. We'll be in touch with you and then...

Ms. Lam stated very good. Yes.

Chairman Olenius stated you'll be, hopefully, first in line for the next month's meeting.

Ms. Lam stated okay.

Chairman Olenius stated and we'll make a quick decision there.

Ms. Lam stated okay. Thank you so much.

Chairman Olenius stated thank you.

Board Member Buzzutto stated okay.

Chairman Olenius stated thank you. Put these in your pile. I don't think we need them [talking to the Secretary about pictures presented at the meeting from the Applicant].

The Secretary stated I'll keep them for the record.

Chairman Olenius stated yeah, keep them. I think we're almost down to Saturdays anyway, aren't we. The time hasn't changed yet, but...

Board Member Burdick stated it gets pretty dark, right, early.

3) **JOSEPH FRANCISE JR. CASE #17-11**

Mr. Joseph Francise, Jr. was present.

Chairman Olenius stated alright there, newlywed. Keep firing away.

The Secretary read the following legal notice:

Joseph Francise, Jr. Case #17-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code, Enlargement of nonconforming buildings. Applicant wishes to square off the left rear corner of his dwelling in order to enlarge an existing bedroom. The Code requires there to be a 15' side yard setback; Currently exists is 3.02'; Variance needed is for 2'. Applicant also wishes

to add a one-car garage and relocate the living room to above the garage and also add a front porch. This property is located at 14 Cornwall Court (RPL-10 Zoning District).

The Secretary stated I just want to make note that the notice should read the Applicant is proposing a 2' setback, not requesting a 2' variance. In the notice.

Board Member Bodor stated currently exists 3...

Chairman Olenius stated currently exists...

The Secretary stated it should say proposing 2', not variance needed is 2'.

Chairman Olenius stated got you. Mr. Francise, how are you.

Mr. Joseph Francise stated good. How are you this evening.

Chairman Olenius stated good. Could you state your name for the record for us.

Mr. Francise stated Joe Francise. I reside at 14 Cornwall Court, Patterson, New York.

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

Mr. Francise stated I do.

Chairman Olenius stated thank you. Alright, do you agree with what was read in the record there. Is that accurate.

Mr. Francise stated yes.

Chairman Olenius stated is that everything that you're looking...

Mr. Francise stated that's everything.

Chairman Olenius stated okay.

Mr. Francise stated I think it's enough.

Chairman Olenius stated you look familiar to me. You were here before for something I think. Weren't you.

Mr. Francise stated probably like five or six years ago for a shed.

Chairman Olenius stated okay. Your face looks familiar to me. As a matter of fact, I read your packet earlier today, too, and I think it was in here the resolution from the past. The one I was looking at. Yes.

Mr. Francise stated you can see the shed is some of the pictures.

Chairman Olenius stated that was a side yard setback. So the house is getting too small.

Mr. Francise stated yeah.

Chairman Olenius stated your options are limited because of your small lot size.

Mr. Francise stated pretty much, yeah. Two daughters now.

Chairman Olenius stated typical Putnam Lake...

Mr. Francise stated yeah.

Chairman Olenius stated speech.

Mr. Francise stated the roof...it doesn't really reflect it. But we were going to last year, actually, we were going to have that corrected; it sags. And this addresses that and also would give us some additional space and a second bathroom in that back corner of the lot.

Chairman Olenius stated the roof was sagging...

Mr. Francise stated it is sagging.

Chairman Olenius stated because of the snow load, or...

Mr. Francise stated no.

Chairman Olenius stated or it's...

Mr. Francise stated it's been that way since we moved in.

Chairman Olenius stated just aging.

Mr. Francise stated not aging. It's that way when we bought it. The inspector kind of missed that.

Chairman Olenius stated oh.

Mr. Francise stated but it's never leaked or anything. And we were originally not intending to do anything about it, just move. And now due to the market and other factors, we've decided to stay.

Chairman Olenius stated so, I'm a little confused with the denial here. What does the one-car garage have to do with the denial because I don't see a variance necessary for that. Is it just because it's all part of the one principal structure.

The Secretary stated yeah. She just wanted to let you know everything that was going on. It's just the squaring off is what he needs the variance for.

Chairman Olenius stated okay. That's all I'm looking at is that.

The Secretary stated yes. The squaring off.

Chairman Olenius stated the side line variance.

The Secretary stated for a non...enlargement of a nonconforming.

Chairman Olenius stated okay.

The Secretary stated yeah.

Chairman Olenius stated how many lots do you own, Mr. Francise. Is it four or five. It looks like four.

Mr. Francise stated four. Yeah.

Chairman Olenius stated one, two, three, four. Okay.

Mr. Francise stated and there's a three foot space and then my neighbor's driveway is...If you're looking from the front of the house, it's right to the left there.

Chairman Olenius stated okay. I saw you enclosed a picture packet here [referring to the pictures in Mr. Francise's application]. And why is the side line changing, because the sketch...It says currently exists 3', roughly, and you're proposing 2'. How is that...Is the lot just on a little bit of an angle and that...

Mr. Francise stated yes.

Chairman Olenius stated back corner. Is that what it is.

Mr. Francise stated exactly.

Chairman Olenius stated okay.

Mr. Francise stated exactly. And I wasn't...You know, I haven't met with an architect yet. Our intentions are to square it off and have it, you know, be a correct angle. But I didn't know how that would work out and I was erring on the side of caution.

Chairman Olenius stated got you.

Board Member Buzzutto stated how big is the front porch going to be. I don't see...

Mr. Francise stated the intention was 5' off the front of the house. And then the, you can see in the survey drawn in there...

Board Member Buzzutto stated I don't see...

Mr. Francise stated it's not there now. It's x'd...crosshatched somehow. And you can see where the garage is going to be and so forth, and also in the back corner.

Chairman Olenius stated I was looking at your pictures.

Mr. Francise stated yes.

Chairman Olenius stated your survey, I can't see it in the survey, your survey shows...This must be the framed shed that you've got the variance for in 2005 or six.

Mr. Francise stated that was actually a shed before...It's on top of where that concrete slab is.

Chairman Olenius stated the new one's here.

Mr. Francise stated right. There's nothing there. That's where...

Chairman Olenius stated this is not here [referring to a shed on the survey].

Mr. Francise stated no.

Chairman Olenius stated okay.

Mr. Francise stated it's an old...It's a really old survey.

Chairman Olenius stated okay.

Mr. Francise stated so that...

Chairman Olenius stated so this is nonexistent. And the shed is on...the new shed's on the concrete.

Mr. Francise stated right. We (inaudible) that slab and put the shed right on top of it. And in this picture you can actually see the corner of the shed. And I don't have a better picture of that but I could get one.

Chairman Olenius stated Mr. Williams, Sir. Can I just ask you a hypothetical question. How long does it generally take you to do an impervious coverage calculation.

Rich Williams stated it depends on the complexity of the drawing, but generally not long.

Chairman Olenius stated could the Secretary show the Town Planner her copy of the survey, please.

Rich Williams stated is this the one that we looked at earlier.

Chairman Olenius stated no.

Rich Williams stated okay.

Chairman Olenius stated this is on...that one's on five lots. This is on four lots. That's where my concern is coming from with the proposed stuff.

Rich Williams stated I should do it just to, you know, just to make sure. I can do a thirty second, down and dirty...

Chairman Olenius stated could you ballpark us. Just so, I mean, if it looks like it's not a problem at all...I just don't want Mr. Francise to have to...

Rich Williams stated sure.

Chairman Olenius stated do this again if we find that later.

Board Member Bodor stated that's true.

Chairman Olenius stated right now, everything's proposed. Nothing's constructed yet. So maybe adjustments...

Mr. Francise stated right.

Chairman Olenius stated could be made. In the RPL-10 Zoning District, you're only allowed to cover one third of your property with impervious coverage.

Mr. Francise stated Cheryl [Smith – Building Department Secretary] mentioned that to me...

Chairman Olenius stated yeah.

Mr. Francise stated so that was another intention of us getting here and getting the ball moving.

Chairman Olenius stated just my eye looking at it, I'm not saying it's there, but it's...

Mr. Francise stated it's close.

Chairman Olenius stated it's close enough that I would warrant...

Board Member Bodor stated it's close, yeah.

Chairman Olenius stated a measurement.

Board Member Bodor stated yeah.

Mr. Francise stated Cheryl mentioned the same thing. No surprise at this point.

Chairman Olenius stated I'm going to excuse myself for a second just to let him know that that no longer exists...[referring to the shed on the survey]

Board Member Bodor stated oh, yeah. Yeah.

Chairman Olenius stated I don't think he was here for that portion of it.

[Chairman Olenius left the room to help with the impervious coverage calculation].

Mr. Francise stated it actually wasn't even there when I moved in, to tell you the truth.

Board Member Bodor stated that shed in the back.

Mr. Francise stated yeah. There was a steel one on top of that concrete slab that deteriorated and that's what initiated me getting a new shed.

Board Member Bodor stated yes. Okay. This is from 1974 [referring to the survey]. I like your pictures.

Mr. Francise stated thank you.

Board Member Bodor stated that's good.

Mr. Francise stated Cheryl was very helpful with that and it makes sense to me. There's a lot of stuff that I'm looking to doing, and I don't think I could have come close to drawing anything.

[Laughter]

Mr. Francise stated my drawing skills are limited.

Joe Charbonneau stated what are you going to do with that oil tank.

Mr. Francise stated that is an excellent question. That's where the architect comes in. We've had two suggestions. One of them was to maybe dig it out and still have it on piers and have it underneath the house and get it out of the wind and so forth. The other thing I was going to find out what the Code requirements are, is maybe still having it still be on the side of the house but extend a little area over it; a little coverage, to get the wind off of it because we've had issues with that in the past with the oil gelling...

Joe Charbonneau stated really.

Mr. Francise stated and losing heat and so forth. So, definitely that is one of my intentions is to get that into a more...better spot where I don't have problems with heating.

Joe Charbonneau stated yeah.

Mr. Francise stated the plumber suggested putting it underneath the house on a slab. So, so far...but that was last year. And that's why the tarp's over the top of it, too. We put a oil heater on it and my previous experiences with it is, you know, it plugs into an extension cord that keeps that hot. And having it exposed to the weather, I just didn't feel comfortable with that. That's why the tarp's over it. It's a temporary solution.

Chairman Olenius stated sorry. It took a little bit of time to locate you on the computer in the database so we could do the satellite overlay.

Board Member Buzzutto stated (inaudible).

Chairman Olenius stated I see currently you don't even have a garage.

Mr. Francise stated no.

Rich Williams stated it's close enough we're going to have to take another look at it. I'm coming up with 40%.

Chairman Olenius stated okay.

Rich Williams stated so...But, you know, that again is rough. It may be less, it may be more. I just need to be...It's going to take me a longer time to do it the right way and make sure.

Chairman Olenius stated so in your opinion, if we proceeded with the side yard variance, it's probably...would it be more cost effective for Mr. Francise to amend the existing application if that came into play.

Rich Williams stated yeah, because it would just be an additional \$25.00 for the second variance, right.

The Secretary stated \$50.00.

Rich Williams stated \$50.00 for the second variance. That's why we keep her here.

[Laughter].

Chairman Olenius stated see, if we ruled on this right now not knowing the other...

Mr. Francise stated yes.

Chairman Olenius stated you'd have to...and it came up bad for you, you'd have to file a whole nother application with a full fee. Whereas, if we hold it over until we've determined exactly what it is, and if you have to amend it, it would be cheaper for you.

Mr. Francise stated okay. And I think...You know what, actually, Cheryl prepared me for that, too.

Chairman Olenius stated okay.

Mr. Francise stated she was really...this has...She has been extremely helpful along this whole process.

Chairman Olenius stated anybody...I know the location of this house now after looking at the map, and it's basically across the street from the other site walk. So, I don't know if anybody has any concerns that they wanted to look at it. It's literally across Haviland Drive not far.

Board Member Buzzutto stated I'm not familiar with it so I don't know. I don't remember it.

Chairman Olenius stated or do you feel that it's not necessary.

Board Member Bodor stated I don't feel it's necessary, actually.

Board Member Burdick stated yeah. I don't think that it's necessary.

Chairman Olenius stated I think everything is pretty cut and dry.

Board Member Bodor stated yes.

Chairman Olenius stated my biggest concern was the impervious coverage...

Board Member Bodor stated right.

Chairman Olenius stated looking at the application there. So, I think we're just going to hold you over until we've determined from your sketches, you know, exactly where that lies so we know if you need to...Secretary will alert you if you need to amend your application.

Mr. Francise stated okay.

Chairman Olenius stated and then you can come back next month and hopefully we can square everything away and get your building permit and get you going...

Mr. Francise stated sounds good.

Chairman Olenius stated in the right direction as opposed to having to come back...

Mr. Francise stated right.

Chairman Olenius stated again, you know. Hopefully.

Mr. Francise stated so, somebody will come out and check it out as well, or...

Rich Williams stated we'll go off of what we already have.

Mr. Francise stated okay.

Chairman Olenius stated yeah, we can do it.

Mr. Francise stated okay.

Chairman Olenius stated so, we're just going to hold you over.

Mr. Francise stated and...

Chairman Olenius stated we'll keep you notified.

Mr. Francise stated okay.

Chairman Olenius stated and next month's meeting is the twenty...

Board Member Bodor stated first.

Chairman Olenius stated first. [21st].

Board Member Bodor stated of November. It's a Monday.

Chairman Olenius stated it's a Monday night meeting.

Mr. Francise stated once the, what is it, impervious you said. You called it an impervious variance. Once it's determined if I do or don't need that, I'll be notified of like, you know, pay the additional charge then we meet again.

Chairman Olenius stated we meet on the 21st.

Mr. Francise stated okay.

Chairman Olenius stated hopefully we'll be able to render a decision at that point.

Mr. Francise stated okay.

Chairman Olenius stated even if you need the impervious decision at that point, we should be able to do it because you'll have an amended application. It will be, you know...

Mr. Francise stated okay.

Chairman Olenius stated one application; we'll deal with both. Maybe we don't have to deal with the impervious. I don't know, it's just too close to...

Mr. Francise stated too close. Okay.

Chairman Olenius stated (inaudible) right now.

Mr. Francise stated not a problem.

Chairman Olenius stated I wouldn't want it to come up later once you started framing and everything.

Mr. Francise stated me neither.

Chairman Olenius stated you know, it's like you got to stop where you are.

Mr. Francise stated no, it makes sense. That's why I'm here. I wanted to be proactive with the whole thing.

Chairman Olenius stated there may be some more questions coming your way, too, because your sketch, just to give you a heads up, your sketch shows the prepared garage. It does not show a proposed driveway for the garage, which would also be considered impervious coverage. So, there may be some questions...

Mr. Francise stated oh, alright.

Chairman Olenius stated getting sent back your way also. I don't see it on the sketch that's submitted right here, you know. So you may have to tell what type of driveway...

Mr. Francise stated driveway.

Chairman Olenius stated you're putting in. Although, it doesn't matter, does it Rich. If I'm not...

Rich Williams stated it does. Our Code requires it to be a paved driveway; either an asphalt surface or a concrete surface.

Chairman Olenius stated okay.

Rich Williams stated unless a waiver is granted by the Planning Board.

Chairman Olenius stated so you'd definitely be impervious at that point with that, too. So you're going to have an idea of what kind of...

Mr. Francise stated okay. I wasn't aware of that...

Chairman Olenius stated driveway you're looking at.

Mr. Francise stated with the blacktop. That's interesting.

Chairman Olenius stated so...

Mr. Francise stated that's my intentions, is blacktop, at this point.

Board Member Bodor stated then ask...

Chairman Olenius stated you may want to actually contact...If you could come and see Cheryl and amend your sketch then, the one you submitted...

Mr. Francise stated sure.

Chairman Olenius stated just with some dimension as to what size drive...width.

Mr. Francise stated on which sketch. I mean, the survey or...

Chairman Olenius stated the survey.

Mr. Francise stated okay.

Chairman Olenius stated the one with the sketch on it. I think that's what you'd be working the impervious off of. Am I correct.

Rich Williams stated yes.

Chairman Olenius stated alright.

The Secretary stated she's out of the office until Monday.

Mr. Francise stated okay. That's no problem.

Chairman Olenius stated that way they're working up the numbers on it proper, you know.

Mr. Francise stated yes. I'm also working, just so...for the record, I'm working on the sketches for the Department of Health, too. She said to get in contact with them. The concerns of the fact of bedroom space. We don't want it to be misinterpreted of what we plan on moving our family room upstairs and having our dining room where the current living room is.

Chairman Olenius stated yeah.

Mr. Francise stated so that's in process as well. I'll have the sketches in and I should have the application in sometime next week.

Chairman Olenius stated that's good. So keep us updated with that. Make sure everything's moving forward the right way.

Mr. Francise stated alright.

Chairman Olenius stated thank you for coming in. We'll hold you over and be in contact, otherwise we'll see you...Be in contact...you should probably be in contact either way if: it needs to be amended or it's okay.

The Secretary stated yeah. Before the next submission deadline. Just to let you know, you have to amend...

TAPE ENDED

4) OTHER BUSINESS

a) Site walk

Chairman Olenius stated other business would be the site walk date. First (inaudible). Probably looking for a Saturday now, the way the daylight is. Any offers.

Board Member Burdick stated the only Saturday I can't is the 5th, November 5th.

Chairman Olenius stated do you guys have any bad Saturdays coming up.

Board Member Buzzutto stated yeah, this Saturday I can't go.

Chairman Olenius stated this Saturday you can't. Okay.

Board Member Bodor stated alright. The 22nd is out.

Board Member Buzzutto stated have a wedding next Saturday. Not mine.

The Secretary stated nope.

[Laughter]

Board Member Herbst stated after all these years, she probably doesn't even want to marry you anyway.

Board Member Buzzutto stated probably not. That's okay.

Board Member Herbst stated she's got the dog.

Board Member Buzzutto stated oh, that'd be a fight over that now.

[Laughter]

Board Member Burdick stated actually, you know what, if we did it early on the 5th I would be okay. I have a clinic that day, but I don't have to be there until one o'clock. So if we did it our normal time, nine o'clock or whatever, I'd be fine with that.

Chairman Olenius stated is the 5th alright with you; November 5th.

Board Member Buzzutto stated yeah, fine.

Chairman Olenius stated Saturday, November 5th. But it would have to be early. Like 9 a.m.

Board Member Buzzutto stated it's alright. Any day except this coming Saturday.

Chairman Olenius stated I know you love 9 a.m., Jerry.

Board Member Herbst stated oh, you know I do.

[Laughter]

Board Member Herbst stated that's alright. That's no problem.

Board Member Bodor stated and then have the 12th, the following Saturday, as a rain date, no. Or snow date, whatever you want to call it.

[Laughter]

Chairman Olenius stated please. Don't go that far yet.

[Laughter]

Chairman Olenius stated at least out loud.

Board Member Bodor stated you never know.

Board Member Herbst stated alright. So it's going to be Saturday the 5th...

Board Member Bodor stated at this residence...

Board Member Herbst stated at 9 [a.m.].

Board Member Bodor stated where ever it is. It's over on Slater [Road] somewhere.

Chairman Olenius stated Saginaw [Road].

Board Member Burdick stated Saginaw [Road].

Board Member Bodor stated Saginaw.

Board Member Burdick stated where's Saginaw.

Board Member Bodor stated I don't know where it is.

Chairman Olenius stated Saginaw is, for a lack of a better word, if you came past the church...if you came in from Brimstone Road, you pass the church. As you're starting to descend the hill it's on your right. It's the other end of the double yellow lines.

Board Member Burdick stated is Saginaw where John Calbo's house is.

Chairman Olenius stated yes.

Board Member Burdick stated okay.

Chairman Olenius stated correct.

Board Member Burdick stated okay.

Chairman Olenius stated it's probably four or five houses before him on the same side of the street.

Board Member Burdick stated right.

Chairman Olenius stated you can't miss it. You'll see that shed framed like right in the driveway.

Board Member Burdick stated right.

Board Member Bodor stated okay.

Board Member Herbst stated did you say this is Calbo's...

Chairman Olenius stated same road as Calbo's on. Yes.

Board Member Herbst stated I know now.

Chairman Olenius stated about three or four houses before him on the right. It's actually the, when you turn onto Saginaw, it's the first, second...it's the third house on the right on Saginaw.

Board Member Herbst stated okay.

Board Member Bodor stated okay.

Chairman Olenius stated so we're going to use 11/12 as a rain date.

Board Member Bodor stated I would think.

Chairman Olenius stated at the same time.

Board Member Bodor stated is that okay. Yeah, no I...Okay.

Board Member Buzzutto stated which one is that. That's not Francise, that's the other one, right.

Chairman Olenius stated the other one, right. The shed and the decks.

Board Member Buzzutto stated this one here.

Chairman Olenius stated yup, that's it; 9 Saginaw [Road].

Board Member Buzzutto stated on November 5th, 9 a.m., Saginaw.

b) Minutes

Chairman Olenius stated I did not get a chance to read these minutes. And my only concern is it's got the Rentoulis...

Board Member Bodor stated yeah. I did not thoroughly read them. So why don't we hold off.

Chairman Olenius stated I think we're going to hold over the approval on those just to...because I'd actually like to check them a little more thorough. Probably not the last time we're going to hear from him.

Joe Charbonneau stated nothing yet.

Chairman Olenius stated nothing.

Joe Charbonneau stated nothing. No, I didn't hear anything.

Chairman Olenius stated I would still rather read it now while it's fresh in my mind and make sure that everything's in there. Any other business. Make a motion to close the public hearing.

Board Member Herbst stated second.

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

Rich Williams stated motion to adjourn.

Board Member Bodor stated yes, motion to adjourn not...

Chairman Olenius stated motion to adjourn, sorry.

[Laughter]

Chairman Olenius stated sorry, I'm just not use to getting out this early.

Meeting was adjourned at 7:49 p.m.