

TOWN OF PATTERSON
ZONING BOARD OF APPEALS

October 22, 2015

AGENDA & MINUTES

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|---------------------------------------|---------|---|
| 1) Peter Ruisi Case #09-14 | 1 – 3 | Public hearing closed;
Applicant was not present – Application <u>denial without prejudice.</u> |
| 2) Kelly Adams Case #21-15 | 4 – 10 | Public hearing opened and closed;
Resolution – Area variance for deck <u>granted.</u> |
| 3) Jesus & Mercedes Reyes Case #22-15 | 10 – 19 | Public hearing opened;
Application <u>tabled</u> pending site walk. |
| 4) Other Business | | |
| A) Minutes: September 16, 2015 | 19 – 20 | <u>Approved</u> as submitted. |
| B) Site Walk: Case #22-15 | 20 – 26 | Site walk scheduled for Friday, November 6 th at 4:45 PM
(Rain Date: Monday, November 9 th at 4:45 PM) |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chair
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

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**Zoning Board of Appeals
October 22, 2015 Meeting Minutes**

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

Present were: Chairman Olenius 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 7:03 p.m.

There were approximately 5 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 Bodor	-	Absent
Board Member Burdick	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

Chairman Olenius: You’re going to have to read the whole thing tonight.

The Secretary: Do you want me to read the whole thing? [*Laughter.*]

Chairman Olenius: I think you’re going to have to.

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

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 Thursday, October 22, 2015 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, September 17, 2014, October 15, 2014, November 18, 2014, December 16, 2014, January 21, 2015, February 18, 2015, March 18, 2015, April 23, 2015, May 21, 2015, June 17, 2015, July 15, 2015, August 19, 2015, and September 16, 2015 meetings

Chairman Olenius: Mr. Ruisi is not present tonight, correct? This has been on the docket for a year-and-a-half now, so... we're going to issue a resolution on this tonight, um... I think there was some correspondence with the property owner that they may take it over for the next roundabout, but, for right now, we just want to... free up some space. *[To Nancy Tagliaferro]* You have no objection to that, do you, counselor?

Nancy Tagliaferro: None. I think it's...

Chairman Olenius: Okay.

Nancy Tagliaferro: I think it's time.

Chairman Olenius: Alright. *[To the Board Members]* Do you guys have any comments on this before I read the resolution?

Board Member Fox: No.

Board Member Burdick: No.

Board Member Carinha: No.

Chairman Olenius: No? Okay. In the matter of the application of – oh, I've got to close the public hearing first.

Nancy Tagliaferro: Yep – yes...

Chairman Olenius: Yes...

Nancy Tagliaferro: Yes, that would be good.

Chairman Olenius: I do. So, I guess I'll make a motion to close the public hearing.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 4 – 0.

Chairman Olenius: I'm so used to seeing this. Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Peter Ruisi (Liberty Paintball Games), PC, Case #09-14
For an Area Variance for a 46.46 Square Foot Freestanding Sign**

WHEREAS, *Patterson Center, LLC* is the owner of real property located at 2960 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #14.-1-46, and**

WHEREAS, *Peter Ruisi (Liberty Paintball Games), as lessee of the property,* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-68.1(B)(2) of the Patterson Town Code; Permanent signs in business districts, in order to allow for the 46.62 square foot freestanding Liberty Paintball Games business sign to remain, and

WHEREAS, §154-68.1(B)(2) of the Patterson Town Code states that only one freestanding sign advertising the use or uses of the premises on which it is located shall be permitted, and it shall not exceed 25 square feet in area; Applicant's sign is a total of 71.62 square feet; ***Variance requested is for 46.62 square feet,*** and

WHEREAS, a public hearing was held on ***April 16, 2014*** to consider the application for an area variance at the Patterson Town Hall, 1142 Route 311, Patterson, New York, and has remained open at every regularly-scheduled meeting of the Zoning Board of Appeals held since that date, and

WHEREAS, it was determined that the application for an area variance could not be granted without the applicant first obtaining approval for a use variance on the site, and

WHEREAS, the applicant was unable to obtain the necessary signatures and, therefore, failed to submit a complete application requesting a use variance, and

WHEREAS, the Zoning Board of Appeals has determined that an excessive amount of time had passed in which to submit a complete application.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby ***denies without prejudice*** the application of ***Peter Ruisi (Liberty Paintball Games)*** for ***an area variance*** pursuant to §154-68.1(B)(2) of the Patterson Town Code; Permanent signs in business districts, ***of 46.62 square feet in addition to the 25 square feet permitted in the C-1 Zoning District,*** in order for the existing 46.62 square foot freestanding Liberty Paintball sign to remain.

Board Member Carinha: Second.

Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

Chairman Olenius: Alright.

2) **Kelly Adams Case #21-15: Area Variance**

One person was present to represent the application.

The Secretary read the following legal notice:

Kelly Adams Case #21-15 –Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct an 8' x 14' deck off of an existing sunroom. Patterson Town Code requires a minimum rear yard setback of 20'; Applicant can provide 17'; *Variance requested is for 3'*. This property is located at 9 Mohawk Trail (RPL-10 Zoning District).

Chairman Olenius: Ms. Adams?

Ms. Adams: Yes.

Chairman Olenius: Come on up, please. How are you this evening?

Ms. Adams: Good. How are you?

Chairman Olenius: Very good, thank you. Um... do you swear the testimony you provide tonight will be the truth and the whole truth?

Ms. Adams: Yes.

Chairman Olenius: Thank you very much. Tell us a little bit about your dilemma.

Ms. Adams: Um, apparent—I guess I'm a little too close to the water where my, uh – which, I guess, most people want that problem – but, um... so there's 3' with the rules, um... I have pictures if you'd like to see pictures of the distance from it, um... to be able to put a deck in that area and, um, add to the existing structure that's there.

Chairman Olenius: Do you own all the way to the water?

Ms. Adams: Um...

Audience Member #1: Yes.

Ms. Adams: Yes.

Chairman Olenius: Yes?

Ms. Adams: *[Speaking about Audience Member #1]* That's my – that's my father. Just double-checking because he's my...

Chairman Olenius: Certain areas of...

Ms. Adams: My neighbor also.

Chairman Olenius: Okay. Certain areas of the lake [*referring to Putnam Lake*], there's like a parkland right-of-way. That's the reason I was just clarifying that.

Ms. Adams: The – where I live on the peninsula, um... it used to be – it was originally saved that they were going to use it as a boat area, so the, um, PLCC had never owned that area.

Chairman Olenius: So, you're when you go left down Lake Shore Drive on the right...

Ms. Adams: Yeah...

Chairman Olenius: Right there at that little...

Ms. Adams: The gazebo out there?

Chairman Olenius: Okay.

Ms. Adams: Mm hmm.

Chairman Olenius: Now I'm familiar...

Ms. Adams: Most people...

Chairman Olenius: I couldn't figure out where Mohawk Trail was...

Ms. Adams: Don't know where it exists. They...

Chairman Olenius: Okay.

Ms. Adams: It's a little – looks like a driveway.

Chairman Olenius: Right. Gotcha. So, you have an existing sunroom...

Ms. Adams: Yes.

Chairman Olenius: In place... [*Inaudible – papers shuffling*]

The Secretary: I have color photos...

Ms. Adams: I have an extra copy of them, too...

The Secretary: If the board wants to see them.

Ms. Adams: If you want more.

Chairman Olenius: Yeah. That would be great.

Ms. Adams: [*To the Secretary*] Would you like the other copy?

The Secretary: *[Inaudible – papers shuffling]...*

Chairman Olenius: So, as I'm looking at this, are you extending...

Ms. Adams: Yes.

Chairman Olenius: Off this – this face here?

Ms. Adams: Yes.

Chairman Olenius: Okay.

Board Member Fox: Are you going to take out those two windows and put a sliding glass door?

Ms. Adams: Yes... in the front part. Yeah.

Chairman Olenius: How far will that deck be above grade? It doesn't look like very far, does it? A couple feet?

Audience Member: Two – two feet?

Ms. Adams: Like two – yeah. Two feet... and I'm going to take two pylons...

Chairman Olenius: Do you have, um... adequate access around the other side of the house... for like fire response...

Ms. Adams: For...?

Chairman Olenius: Or anything? If the Fire Department needed access?

Ms. Adams: Um... there's currently only one door into the house...

Chairman Olenius: Not to get in...

Ms. Adams: So, um...

Chairman Olenius: If they had to fight it from the outside, they can get around...?

Ms. Adams: They'd still be able to get around yes.

Chairman Olenius: Because this is going to obstruct that side to some degree...

Ms. Adams: It would still...

Chairman Olenius: Obviously, not fully. There'd still be... some space?

Ms. Adams: Yeah. They can still come in behind the house. They would still be able to fit across the front between the deck and the water, as well as through – around the front of the house... so, they'd still be able to get anywhere around the house.

Chairman Olenius: That's one of our concerns...

Ms. Adams: Mm hmm.

Chairman Olenius: It would help if they can...

Ms. Adams: Also, I like the...

Chairman Olenius: God forbid you have an issue...

Ms. Adams: Mm hmm.

Chairman Olenius: That they are able to help you.

Ms. Adams: Door there, so I can always get out, too.

Chairman Olenius: Yes. So judging by this survey – markup you did there – they'd still have about 14 feet... is that what I'm getting...

Ms. Adams: Um...

Chairman Olenius: I see you have 14...

Board Member Fox: No, 7...

Chairman Olenius: Oh, 11 [feet]. I'm sorry, 11?

Board Member Fox: No, you have 17...

Ms. Adams: Um...

Audience Member: It should be...

Ms. Adams: Yeah, the width would be 8 [feet], and then I get the length is... 11 [feet]?

Audience Member: No... 14.

Ms. Adams: Oh, 14 [feet]. I'm sorry.

Chairman Olenius: Oh. That's what the 14 is, okay.

Ms. Adams: That's...

Chairman Olenius: I'm sorry.

Board Member Fox: You have 17 [feet] here...

Chairman Olenius: And I still have 17 [feet] to the edge of the water...

Board Member Carinha: Yeah.

Chairman Olenius: Okay.

Ms. Adams: Mm hmm.

Chairman Olenius: Your parking area is on the complete opposite side of the house...

Ms. Adams: Yes.

Chairman Olenius: It looks like?

Ms. Adams: Yes. That's where Mo—the Mohawk Trail is.

Chairman Olenius: Boy, that's a big piece. I mean, I'm sure the lots aren't the full lot size, but that's a lot of lots out there.

Board Member Carinha: Yeah.

Chairman Olenius: Very nice.

Ms. Adams: That it is. Thank you.

Chairman Olenius: Does anyone in the audience have any comment on this case? I'm hearing none. Oh?

Bob McCarthy: Oh...

Chairman Olenius: Hearing one?

Bob McCarthy: The only thing I want to say is, no, um – should I... my name and everything [*inaudible – papers shuffling*]? Um... if anything, right now we actually have a 15 foot separation between structures for firefighting purposes, not a structure. The Building Department's not opposed – we did issue them a building permit to do the work that was there, so... we're fine with it.

Chairman Olenius: Thank you very much, Mr. McCarthy.

Bob McCarthy: Yep.

Ms. Adams: Thank you.

Chairman Olenius: It's tough to get a positive recommendation out of him.

[Laughter.]

Chairman Olenius: [To Other Board Members] Is everybody else okay?

Board Member Carinha: Nope.

Chairman Olenius: I'll make a motion to close the public hearing, then.

Board Member Burdick: Second.

Board Member Fox: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 4 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Kelly Adams, Case #21-15
For an Area Variance to Construct an 8' x 14' Deck**

WHEREAS, Kelly Adams is the owner of real property located at 9 Mohawk Trail (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.72-1-3, and**

WHEREAS, Kelly Adams has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to construct an 8' x 14' deck 17' from the property line, and

WHEREAS, the deck will be attached to the dwelling, and must, therefore, meet the setbacks required of a principal building in the RPL-10 Zoning District, and

WHEREAS, §154-7 of the Patterson Town Code requires a rear yard setback of 20'; Applicant will have 17'; **Variance requested is for 3', and**

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **October 22, 2015,** 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 **in light of the fact that the deck is well-screened from all adjacent property owners facing the lake.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the way the existing structure is situated on the property.**
3. the variance requested **is not** substantial **in light of the fact that it's only**

requesting a, uh, three-foot variance.

- 4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the lot size is substantial and this will not come near the impervious coverage percentages required by code.*
- 5. the alleged difficulty necessitating the variance *was* self-created, but *is not* sufficient so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Kelly Adams* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 3' from the 20' required for a rear yard setback*, in order to allow for the construction of an 8' x 14' deck 17' from the rear property line.

Board Member Burdick: Second.

Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

Variance granted by a vote of 4 – 0.

Chairman Olenius: Good luck.

Ms. Adams: Thank you very much.

Chairman Olenius: You going to...

Ms. Adams: Thank you.

Chairman Olenius: Try and get it in before winter?

Ms. Adams: I hope so.

Chairman Olenius: Good for you. Enjoy.

[Inaudible discussion in audience.]

3. Jesus & Mercedes Reyes Case #22-15: Area Variance

Chairman Olenius: Go ahead, Mary. I'm sorry.

The Secretary: Okay.

One person was present to represent to the application.

The Secretary read the following legal notice:

Jesus & Mercedes Reyes Case #22-15 – Area Variance

Applicant is requesting an area variance pursuant to §154-27A(10) of the Patterson Town Code; Permitted accessory uses, in order to continue parking a commercial work vehicle greater than one-ton capacity at his residence. Patterson Town Code permits “the storage of one commercial vehicle of not greater than one-ton capacity when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage”; Applicant’s vehicle is greater than one-ton capacity; *Variance requested is to allow the applicant to continue parking a commercial vehicle over one-ton capacity at his residence.* This property is located at 520 Fair Street (R-1 Zoning District).

Chairman Olenius: Mr. Reyes?

Mr. Reyes: Yes.

Chairman Olenius: Please, come up. How are you this evening?

Mr. Reyes: Good.

Chairman Olenius: Do you promise the testimony you give will be the truth and the whole truth?

Mr. Reyes: No, uh... the... for the reason that I get the...

Chairman Olenius: No, do – do you promise the testimony you’re going to give us...

Mr. Reyes: Yes.

Chairman Olenius: Is going to be the truth? Okay...

Mr. Reyes: Yes.

Chairman Olenius: Thank you. Now you can explain.

Mr. Reyes: Sorry, I can’t hear you – that what you were saying.

Chairman Olenius: That’s okay. Go ahead. Tell us – tell us about it.

Mr. Reyes: So, the reason that I cannot get the... you know, how that I can have the truck, in... in my highway is because I use a – I have a yard they have that I can park it. I have all my equipment in the yard that I’m renting in Mahopac. But, that I – the reason that I use the truck is coming from home and go back to work, and I use in the wintertime for cleaning my driveway, and because my driveway is – is very deep... and, you see, the snow is there, my truck – it can’t come up all the way to clean the driveway. That’s why – the reason that I have to have on top for clean it and go down all the way to the tree at the street.

Chairman Olenius: Oh, your property has...

Mr. Reyes: Yeah.

Chairman Olenius: A dip?

Mr. Reyes: The driveway's very deep. I have a photo. I don't know see – I you give a photo for the truck and, uh, I give a photo for all my yard – how is my yard, how is my driveway.

The Secretary: I have color photos, too.

Mr. Reyes: Both inspectors look at my driveway, too.

Chairman Olenius: *[To the Secretary]* Thank you.

The Secretary: Yep.

Mr. Reyes: All my commercial is in – in Mahopac. The same, too – that's the plow that I use for cleaning my driveway...

Chairman Olenius: Okay.

Mr. Reyes: In the center. Where I put the salt.

Chairman Olenius: And that's seasonal?

Mr. Reyes: Yeah. The truck is, uh, three-ton truck.

Chairman Olenius: Three-ton?

Mr. Reyes: Yes. So, you see the – that's the sign of all my neighbors that I have around that says they no have a problem that I can have the truck there, and, uh...

Board Member Carinha: *[Referring to the submitted list of signatures]* That's this here?

Mr. Reyes: Yes, because nobody see the truck any way from the road, and nobody see the – except for this one neighbor that I have on, uh... I don't know. I guess this – they have a complaint for that I had the truck at home.

Chairman Olenius: So, you rent a yard in Mahopac now...

Mr. Reyes: Yes.

Chairman Olenius: For your other equipment? So, these appearance tickets you were issued in the past, that's why you got a yard to – because it looks like you were cited for...

Mr. Reyes: Actually, yes. That's true.

Chairman Olenius: How many other, uh, personal vehicles do you have?

Mr. Reyes: Yes. I have the, uh, a pick-up truck and I have the BMW for that my wife use it, but, uh, the motor – they have something wrong in the motor. I – I cannot spend the money right now for fix it...

Chairman Olenius: Okay.

Mr. Reyes: So, that's why my wife uses the pickup truck, and, uh... that I use it for work, eh... but, right now it's for family because I have too many kids that I can take care – I have five kids.

Chairman Olenius: But, the pickup truck is under one-ton capacity?

Mr. Reyes: Uh, the pickup truck is 150. I don't know this is one-ton... it's a Ford – uh, Lincoln.

Chairman Olenius: Like a... it's... it's like a regular...

Mr. Reyes: Yeah.

Chairman Olenius: Pickup truck, though, right?

Mr. Reyes: It's a regular. Yeah.

Chairman Olenius: It's not like a dual-wheel or anything like that?

Mr. Reyes: No, no. It's four. Yeah, no... and right now that I have a friend that give me the... the SUV for... for my wife can use it for family. You know, I have it for 3 week already, so I have to put it back, uh, Sunday, because he needs it.... And my pickup truck no have a plow. So, I have it – that's the truck that has a plow.

Chairman Olenius: Is it marked up with your company's logo?

Mr. Reyes: Say it again.

Chairman Olenius: Does it have your company's logo on it? The "JAR"?

Mr. Reyes: Yeah, that was my – that's my initials. That's why I have that.

Board Member Carinha: Is that on the pickup truck also?

Mr. Reyes: No.

Board Member Carinha: Does it say "JAR" on it?

Mr. Reyes: No. That have a regular.

Board Member Carinha: Okay.

Mr. Reyes: This is regular insurance that I have in my name.

Board Member Carinha: Okay. So, it's not a commercial vehicle?

Mr. Reyes: No, it's not a commercial.

Chairman Olenius: Mr. McCarthy, do you have anything to share with us on this?

Bob McCarthy: Um, you have a timeline in front of you...

Chairman Olenius: A little history, perhaps.

Bob McCarthy: Pardon?

Chairman Olenius: A little history in your own words.

Bob McCarthy: Well, I've been on what now – for 15 months now, 16 months, um... in May I did speak to Mr. Reyes regarding, uh, his basically violating 157 – 154-27A, um... and he did claim that it, uh, at the time that the truck was only there for that weekend, and as I've been going back and forth, it's always there, um... I think every, uh, situation has its own little, you know, “yes” or “nos” or stuff like that, but, uh, it's the Building Department's, uh... you know, we really don't actually – we shouldn't let that actually happen, only because it's what happens, you know, in the past. You know, everybody will have them...

Chairman Olenius: Mm hmm.

Bob McCarthy: So, if we start setting precedence now, you know, so it does and the Building Department opposes this.

Chairman Olenius: Okay.

Bob McCarthy: Alrighty?

Chairman Olenius: Thank you.

Bob McCarthy: Yep.

Chairman Olenius: Anyone else have comment on this?

Mr. Rood: I do. There was one paper you said that he said all...

Nancy Tagliafierro: Can you come up to the microphone, please?

Chairman Olenius: We just need to get you on the record, sir.

Nancy Tagliafierro: Thank you.

Chairman Olenius: I'm sorry.

Mr. Rood: Okay... I'm Mr. Jim Rood. I live right next door to Mr. Reyes. I'm at 512 Fair Street. I am probably part of the issue over at the Building Department. I do – I have lodged a few complaints. If it was just his truck for seasonal use to – for his driveway – it's a bad driveway. I'll give it to you. You know, mine's the same next door. I'll give it to you. But, he also have an excavator, a trailer, a bobcat, another truck... at any one point in time there's more than a commercial vehicle there. This is not, you know, not that. There's been holiday weekends where he's scooping up stones and stuff and loading it in the truck for the next Monday at work – Fourth of July weekend, et cetera. And I get that he's got to work – I have an environmental engineering firm. None of my vehicles are on my property. He has a yard? Probably so. But, there have been many time there have been more than one vehicle there. And, then you said there was a letter that all the neighbors signed that said it was okay.

Mr. Reyes: Yeah.

Mr. Rood: Well, my signature's not on there. And, if it is, it's fraudulent because I never saw it.

Board Member Fox: *[Inaudible – papers shuffling]...*

Board Member Carinha: Your last name's Lomberti?

Mr. Rood: No, it's "Rood". R-O-O-D.

Board Member Fox: And you sent us this *[referring to submitted letter]*?

Mr. Rood: 512 Fair Street. Yes, I did.

Board Member Carinha: Okay. Yeah, no. It doesn't look like it.

Mr. Rood: Well, I'm not – if it's signed, then it's fraud – fraudulent.

Board Member Carinha: No, no. Your name...

Chairman Olenius: Your name's not on here.

Board Member Carinha: Your name is not on here.

Mr. Rood: And, I'm a direct next-door neighbor. And what happened when Nick [Lamberti] was the, uh, Building Inspector, Nick had gotten after him about that, and then he put up shrubs to try and block out – the other problem was, one time, he had the truck in the backyard MIG welding with the truck up in the air performing in the back yard on the truck. You've got a yard? Do it in the yard. It's a residential property. That's what I bought it for 18 years ago. It's a residential property, not a commercial lot. And that zone should stay a residential zone because everybody takes care of their homes in that area and keeps it as their home. I own a firm with equipment, and I never bring it home unless I'm working – for the day, and then it leaves, just so it's not in... in the yards. So, I contest the okay. If it was just for the wintertime for plowing with his car, I've got no problem. But, it never stays that way.

Chairman Olenius: Okay. Thank you very much.

Mr. Rood: Okay.

Mr. Reyes: Can I say something?

Board Member Carinha: Oh, absolutely.

Chairman Olenius: Absolutely.

Mr. Reyes: Uh... yes, at that point when the Nick is the inspector at that point, I... I believe I say to my neighbor, "I need the time that I have that I can move my equipment from my house, because, I..." And also to mention my company is very, very low and after looking money – almost I lost my house. I explain to him that I have a time – I no have the money to pay for my house. I not pay my house for almost a year-and-a-half that I can't get it – a notification that I can't get my house back, and, uh... I explained to him that's why the reason that I had the truck over there. So, I – that's why I say to him, "Give me time that I can, uh, you know... get a yard and put my truck back in... in a yard [*inaudible – turned away from microphone*]." That's why Nick is go over there and I explain to Nick, too. Nick is give me ticket, uh... I come in for the court. I not pay anything with the ticket because, uh, Nick say to me, "This is the first time. I can disappear the ticket." I say, "Thank you very much because you help me a lot because I no have the money right now pay that ticket." And.... And the reason that I have all my equipment there is because I no have the money for to get it rented. But, I have it more than one year already that I have the rent in Mahopac that I pay, and I no have a problem. So, the truck that I have right now is for coming back for home and go back for work. That's the reason that I need the truck. And I use it in the wintertime because my driveway is so bad – see, the snow is there, my truck, it can't go up, because I try one time and I leave my small car in the... in the street. I plow all the way out. The truck is now go all the ways to the top, and my truck is go back all the way, hit my – my small car. I have it destroy my car, too, at that point.

Board Member Fox: How many vehicles do you own? Like... on the yard. Do you have a series of... of varied different... different kinds of vehicles, besides this?

Mr. Reyes: No, I have... I have it the – the have a one Mercedes.

Board Member Fox: No, not for your personal. For work.

Mr. Reyes: For work I have two truck.

Board Member Fox: Just two trucks.

Mr. Reyes: Yeah, I have two truck.

Board Member Fox: You have two – like two dump truck-type things?

Mr. Reyes: Two dump truck. That was one that you see there, and another one is a Nissan UD dump truck. That one is more bigger – a more bigger truck. I park in the – in a... in my, uh...

Board Member Fox: That's even bigger?

Mr. Reyes: Yeah.

Board Member Fox: Oh, okay. I was hoping it was smaller. *[Laughter]* Okay.

Board Member Carinha: Are you planning on fixing the BMW that you – the other BMW that you're having problems with or no?

Mr. Reyes: Uh, right now I'm not going to... uh... that I need it... uh, fix the motor because when you start it, there's coming the white smoke and my kid is too small and I don't want to smell that, and I no have, uh – the winter... the wintertime's coming right now, so I no – I no have the money that I can take care of fix that car.

Nancy Tagliafierro: *[To the Board Members]* Just for your information, you're going to have to apply the same test to this that you would for any other variance, which doesn't include any consideration of hardship...

Board Member Carinha: Right.

Nancy Tagliafierro: So, it's the effect on surrounding neighborhood and that type of thing.

Chairman Olenius: That's why I'm kind of leaning towards going to look at it.

Board Member Burdick: Yeah...

Board Member Carinha: Yeah.

Board Member Burdick: I'd like to go look at it.

Chairman Olenius: Um, just to get a lay of the land out there.

Board Member Fox: Mm hmm.

Nancy Tagliafierro: I think that would be good.

Chairman Olenius: Um...

Board Member Fox: I agree.

Board Member Carinha: It sounds good.

Chairman Olenius: We're going to hold you over one month. We're going to come out, just because we'd like to see your property for ourselves...

Mr. Reyes: Sure.

Chairman Olenius: You know, what it looks like, how well-screened it is, whatever, um... is any time a bad time for you for us to come? We usually come...

Mr. Reyes: No, no, that is not... I – I have it the all the time. You told me which day and I come. That's not a problem.

Board Member Burdick: Most days it's... light until 6:00 now...

Chairman Olenius: Mm hmm.

Board Member Burdick: Is it light until 6:00?

Nancy Tagliaferro: Yeah.

Board Member Burdick: I could get there by 5:15.

Chairman Olenius: Okay.

Board Member Carinha: Yeah.

Chairman Olenius: We could probably do it, um, on a weekday, then. Probably like 5:15ish...

Mr. Reyes: Sure.

Chairman Olenius: Some day of the week. Okay. The secretary will reach out to you once we decide what day it will be...

Mr. Reyes: Okay.

Chairman Olenius: And if you could be there, that would be great, just to kind of show us around...

Mr. Reyes: Sure.

Chairman Olenius: And, uh, we'll just check it out. We just need to see it for ourselves...

Mr. Reyes: No, absolutely.

Chairman Olenius: To get an idea.

Mr. Reyes: Okay.

Chairman Olenius: Alright.

Board Member Fox: And have the truck be over there, too.

The Secretary: *[To Mr. Reyes]* So, I'll call tomorrow.

Chairman Olenius: Well, yeah – and if you could have the truck there...

Mr. Reyes: Yeah.

Chairman Olenius: That truck...

Mr. Reyes: No problem.

Chairman Olenius: Is there so we can see it.

Mr. Reyes: Absolutely.

Chairman Olenius: That would be great.

Mr. Reyes: Alright.

Chairman Olenius: Thank you very much.

Mr. Reyes: Thank you.

Chairman Olenius: So, we're going hold this one over pending a site walk.

Board Member Carinha: *[Inaudible – papers shuffling]*

Chairman Olenius: I want to get the lay of the land out there myself. Let's see what we're dealing with.

Board Member Fox: And the relation to the neighbor's house.

Chairman Olenius: Exactly.

Board Member Carinha: Yeah.

Chairman Olenius: Yes.

Board Member Fox: This is the driveway?

4. Other Business

A) Minutes

Chairman Olenius: Okay. So, we have that... Alright. What else we got?

[Audience members conversing.]

Chairman Olenius: I was not here. So, I can't comment...

Board Member Fox: Yeah.

Chairman Olenius: On whether the minutes are accurate or not.

Board Member Carinha: I actually went through them, and, uh, everything looks pretty good. There was... wasn't a lot of minutes. That's for you.

Chairman Olenius: No, it was pretty – I read them...

Board Member Carinha: Yeah.

Chairman Olenius: But...

Board Member Fox: *[Inaudible – papers shuffling]...*

Chairman Olenius: I'll leave it up to guys to make a motion, since...

Board Member Burdick: *[To Board Member Carinha]* Do you want to make a motion?

Board Member Carinha: Yes.

Board Member Burdick: Okay, I'll second it.

Chairman Olenius: All in favor?

Motion passed by vote of 4 – 0.

B) Site Walk

Chairman Olenius: Alright. Dates.

[Audience members conversing.]

Chairman Olenius: Okay. What are you guys thinking?

Nancy Tagliafierro: There's going to be a time change at the end of next week, right?

Board Member Carinha: Yeah.

Nancy Tagliafierro: You're going to lose an hour of daylight.

Chairman Olenius: Right.

Board Member Fox: Oh.

Nancy Tagliafierro: So, if you could get it done next week, that would probably be best.

Board Member Carinha: That's right.

Chairman Olenius: I didn't think about that.

Nancy Tagliafierro: That's why I'm here.

Chairman Olenius: You're the best.

[Laughter.]

Chairman Olenius: So, on that note, I leave Wednesday.

[Laughter.]

Board Member Fox: Oh.

Board Member Burdick: I can't do Monday.

Chairman Olenius: Okay.

Board Member Fox: I can't do Tuesday.

[Laughter.]

Board Member Burdick: Well, I mean, we could always go over a weekend, and I – I...

Board Member Fox: Um, I – I could probably reschedule, so it's...

Board Member Burdick: I could probably, uh, work 8:00 – 4:00 and get there at 4:00 if he was available on Monday. It's up to you guys. I – I...

Chairman Olenius: Well, I didn't want to make you adjust your regular work schedule.

Board Member Burdick: That's okay.

Board Member Fox: No, I can – I can probably readjust mine.

Chairman Olenius: Yeah, what time's the earliest you can get?

Board Member Fox: Pardon me?

Chairman Olenius: What time's the earliest you can come for a site walk, too? I didn't think about it.

Board Member Fox: Uh...

Chairman Olenius: You sometimes have some commutes.

Board Member Fox: Yeah, no, no. It's – just depends on the day. I mean, some days I'm just here, so it doesn't matter.

Chairman Olenius: Okay.

Board Member Fox: So, whatever works for everybody else.

Board Member Carinha: Yeah, for me it's like 4:45. By the time I get out, because I drive the bus, it's...

Board Member Fox: Alright, yeah.

Chairman Olenius: 4:45?

Board Member Fox: 4...

Board Member Carinha: Yeah, to get up from Somers. I'm done by 20 after 4:00 – just to give me that extra leeway.

Chairman Olenius: Mm hmm.

Nancy Tagliafierro: So, are you looking at next Tuesday now? Are you saying, Stephanie...

Chairman Olenius: No, she's got to go...

Nancy Tagliafierro: Well, I think she said she could rearrange.

Board Member Fox: Yeah, it's just my kids. I've got to just...

Nancy Tagliafierro: Eh...

Board Member Carinha: Bring them along.

Board Member Fox: It's just – it's just doctors.

Nancy Tagliafierro: No, you can't change that.

Chairman Olenius: Oh, doctors. No.

Board Member Burdick: No.

Chairman Olenius: Doctors are too difficult. Don't – don't do that.

Nancy Tagliafierro: Yeah. Don't change that.

Board Member Fox: It's just flu shots.

Board Member Burdick: Well, that's important.

Chairman Olenius: Yeah.

[Audience members conversing.]

Board Member Carinha: *[Inaudible – speaking away from microphone]...*

Chairman Olenius: Oh, it – this next meeting’s on a Tuesday.

Board Member Fox: The 24th.

Chairman Olenius: The 17th.

Board Member Burdick: The 17th.

Board Member Carinha: Yeah.

Board Member Fox: Oh, well, um... I’ll be in Antigua...

Chairman Olenius: Nice.

Board Member Fox: The 11th through the 15th.

Nancy Tagliafierro: Oh, I have another meeting that night.

Board Member Fox: *[To Chairman Olenius]* When are you – where are you going and when are you coming back?

Chairman Olenius: I leave next Wednesday and come back the following Wednesday.

Board Member Fox: The fourth?

Chairman Olenius: Yeah.

The Secretary: *[To Nancy Tagliafierro]* Just volunteer someone else.

Nancy Tagliafierro: For my other meeting?

The Secretary: No. For here.

Chairman Olenius: *[To Board Member Fox]* And you leave the 11th?

Board Member Fox: I leave the 11th.

The Secretary: *[To Nancy Tagliafierro]* You can send Mike [Liguori] or Don [Rossi]?

Nancy Tagliafierro: Nobody would take my other meeting. It’s Kent. *[Laughter]*

Chairman Olenius: *[To the Board Members]* So we’ve got 5, 6, 9, or 10.

Board Member Fox: That’s pretty much what we...

Board Member Burdick: I can’t do the 10th.

Chairman Olenius: Okay.

Nancy Tagliafierro: *[To the Secretary]* Nobody will take it.

The Secretary: From what I've heard, that's probably true. *[Laughter.]*

Board Member Fox: *[To the Board Members]* We have 6. The 6th is good for me.

[Audience members conversing.]

Chairman Olenius: 5 or 6?

Board Member Burdick: Either one's good.

Board Member Carinha: Either one's good for me, too.

Chairman Olenius: Friday, the 6th?

Board Member Fox: The 6th.

Board Member Carinha: Sure.

Board Member Burdick: At 4:45?

Board Member Fox: 4:45.

Board Member Carinha: Yes.

Chairman Olenius: How's the 5th? I'm thinking rain dates.

Board Member Burdick: Both are fine with me.

Chairman Olenius: Okay.

Board Member Fox: Um...

Board Member Carinha: Do you want to do the 5th?

Board Member Fox: 6th is better, but, we can, um... yeah, but, we can, um... That's fine...

[Audience members conversing.]

Chairman Olenius: No, if it's not, can we – how about 6, 9? How about Friday, Monday if we need a rain date.

Board Member Fox: That's good, too.

Board Member Carinha: Okay.

Board Member Fox: Friday, Monday.

Chairman Olenius: Is that okay?

Board Member Burdick: Sure.

Board Member Carinha: So, we'll schedule Friday, Monday would be the rain...

Chairman Olenius: We'll schedule Friday, and do Monday the 9th as a rain date. *[To the Secretary]* Please, send out a reminder, because I will definitely...

Board Member Fox: 520... 520?

The Secretary: And did we do 4:45?

Chairman Olenius: 4:45. Yeah.

[Audience members conversing.]

Chairman Olenius: And the rain date would be 4:45 also, right?

Board Member Burdick: Mm hmm.

Chairman Olenius: Alright. Anybody have anything else? I make a motion...

Board Member Fox: I have a question, um... we were sent out that – not that I can go...

Nancy Tagliafierro: This close.

Board Member Fox: The thing about the continuing the required classwork for the Zoning Board, like a certain number of hours which we need to take per year?

The Secretary: Okay.

Board Member Fox: Do I need to take *[inaudible – papers shuffling]*? I mean, I take 8 – 9 of continuing education. It includes planning, zoning, and all that stuff.

Chairman Olenius: I'm pretty sure it would...

The Secretary: Yeah.

Board Member Fox: Okay.

Chairman Olenius: Yeah.

The Secretary: Yeah.

Board Member Fox: I just didn't know if I needed to take above and beyond, or...

Chairman Olenius: No. You're set.

The Secretary: No. No.

Board Member Fox: I – I didn't know if there was like a county requirement.

The Secretary: No.

Board Member Fox: Okay.

Chairman Olenius: Not at all.

Board Member Fox: Okay. Just checking.

Board Member Burdick: Not at all.

Board Member Fox: Just want to make sure I'm doing my due diligence. That's all.

Board Member Carinha: I...

Board Member Burdick: You are...

Chairman Olenius: You're very diligent.

Board Member Fox: Alright.

Board Member Burdick: You are above and beyond.

Chairman Olenius: And we'll leave it at that.

Board Member Fox: But, is – is there? Is it required? No?

Chairman Olenius: There is, but... uh...

Board Member Fox: I – I qualify. Okay.

Chairman Olenius: We'll continue this later. Can I make a motion to close the public hearing?

[Audience members conversing.]

Board Member Burdick: Mm hmm.

Chairman Olenius: All in favor?

Motion passed by vote of 4 – 0.