

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
November 22, 2010**

**AGENDA & MINUTES**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor, Vice Chairwoman  
Marianne Burdick  
Lars Olenius  
Gerald Herbst

**PLANNING BOARD**

Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Zoning Board of Appeals  
November 22, 2010 Meeting Minutes**

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

Present were: Chairman Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Lars Olenius, Board Member Gerald Herbst, Carl Lodes, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

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

There were approximately 3 members of the audience.

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

Chairman Buzzutto led the salute to the flag.

Chairman Buzzutto stated roll call.

**Roll Call:**

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

**1) ROBERT PINCHBECK CASE #15-10**

Mr. Robert Pinchbeck was present.

Chairman Buzzutto stated okay.

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 Monday, November 22, 2010 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

**Robert Pinchbeck Case #15-10 – Area Variances; Held over from the June 14, 2010, July 21, 2010, August 30, 2010, and October 20, 2010 meetings**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to legalize an existing wood deck. The Code requires there to be a 15' side yard setback; Applicant has 11'; Variance requested is for 4'. The Code also requires a 20' rear yard setback; Applicant has 0'; Variance requested is for 20'. This property is located at 36 Lacona Drive (RPL-10 Zoning District).

Chairman Buzzutto stated okay. Pinchbeck. Did we ever get a copy of the new survey.

Board Member Bodor stated yes.

Chairman Buzzutto stated we did. Well then I have it in here. Okay, fine. Oh, this is new, I see it on this. You heard what was read into the minutes on the agenda. Is there any difference in what you say you want to do. Is there any difference in what you heard and what you want. If you listen to the...

Mr. Robert Pinchbeck stated no. That's exactly what I want.

Chairman Buzzutto stated that's exactly...Okay, fine.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated so there's no difference there.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated so what you want is...Well, you got that...Your deck is running over into another yard on the side...the front line. Even as a side line variance. Okay. We had the Building Inspector go out and look at that and he kind of advised us, you know, what we can or what we could do; whatever we see is...The best way to go about this. Now, under the deck, you have a lot of outcroppings of rock. Is that...

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated according to...

Mr. Pinchbeck stated the entire area is rock.

Chairman Buzzutto stated yes.

Mr. Pinchbeck stated the house is built on a rock.

Board Member Bodor stated did you get a copy of Mr. Lamberti's...

Mr. Pinchbeck stated no.

Chairman Buzzutto stated you didn't get a letter.

Board Member Bodor stated letter. Well, let me read it for the record then, okay.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated this is to the Zoning Board of Appeals from Nicholas Lamberti, Director of Codes Enforcement, October 27<sup>th</sup>, 2010.

Board Member Bodor read the following letter:

RE: Tax Map 25.56-1-70 Robert Pinchbeck Lacona Drive ZBA Case #15-10

As requested in your memo of October 21, 2010, I completed a site inspection at the residence of Mr. Robert Pinchbeck, 36 Lacona Drive. You asked me that I inspect the deck and report my findings to you in an effort to minimize the rear yard variance requested.

My findings revealed that, in my opinion, the deck could be significantly reduced in size, especially to the rear of the property. I would recommend that a landing, approximately 4 feet wide by 6 feet long, with stairs, be installed along the rear of the dwelling to encompass the rear door. This would be in place of the deck that currently runs to the rear property line.

The current deck is constructed over top of significant amounts of rock and ledge rock. If a landing is installed, the ledge rock will be exposed. If the deck is cut to be considerably smaller in size, new footings will have to be installed to properly support the deck structure.

If you require additional information, please contact my office.

Nicholas Lamberti,  
Director of Codes Enforcement

Chairman Buzzutto stated I think what he's recommended is the deck be taken all the way back to allow the 20 foot setback. That's the way I look at it.

Board Member Bodor stated 10 foot.

Chairman Buzzutto stated sorry.

Board Member Bodor stated 10 foot.

Chairman Buzzutto stated well, it's a 20 foot...Isn't it a 20 setback on the...

Board Member Bodor stated yes. It requires a 20 foot...

Chairman Buzzutto stated it requires, yes. But I think that's what he's going by here. But I have a different thought about that. The original setback would have been 10', originally, when the deck was built. If you...In fact, you state that in your memo to us if I read that correctly.

Mr. Pinchbeck stated that's my understanding. Or that was my understanding.

Chairman Buzzutto stated yes, that was the setback at that time.

Mr. Pinchbeck stated yes.

Chairman Buzzutto stated and my recommendation is since we did the site walk on it, we had the inspector look at it and...qualified for it, I would recommend that we allow a 10' variance. To split the difference, plus go by what the original setback was back in... You said '91 I believe.

Mr. Pinchbeck stated well, since our last meeting, I've been able to pull records from the Tax Assessor's Office that shows the deck in existence in 1960. At which point, there was no permit requirements and there were no setback requirements. And that's...I mean, I don't understand, at this point, the proceedings as to why, one, I even have a violation for not having a building permit. And number two, if the deck was constructed in 1960 and there was no requirement...I mean, it's an integral part of the home. And the findings of Nick Lamberti, there already exists a 4' x 6' deck off the back door. That's already there. So...

Chairman Buzzutto stated I believe there was requirements back...

Mr. Pinchbeck stated so what we're proposing...what he's saying, what he's implying, is that the entire deck come down. And...

Chairman Buzzutto stated what he is, yes.

Mr. Pinchbeck stated yes. And there's a 4' x 6' landing there already. And that's because of the stone and the rock. And you guys were out there. You did see this.

Chairman Buzzutto stated well, I don't know how far back the Codes go, but I think they go back before 1960 in the records.

Board Member Olenius stated do the records from the Assessor's Office state...It's obvious that the deck...Well, it's not obvious. I shouldn't say that. It appears to me, from looking at it, that the deck could have possibly been added onto numerous times because of the different elevations on it and landings. Did the paperwork that you saw in the Assessor's Office state the size of the deck or did it just say deck.

Mr. Pinchbeck stated looking at the linear diagrams and the drawings, you can see the different elevations.

Board Member Olenius stated yes.

Mr. Pinchbeck stated the second elevation, which I've already proposed is...it's going to be removed because it's in the neighbor's yard.

Board Member Olenius stated right.

Mr. Pinchbeck stated I am totally with you on that. But the balance...

Board Member Olenius stated did you happen to get a copy of what they had or...

Mr. Pinchbeck stated I had it. I kicked it up to my office. I haven't been able to get it back. I have them looking at it. It just...It goes back to the issue that, first and foremost, the deck's been there for 40 plus years. Now I've determined that. The deck is in an area that will probably never affect public use. And there's probably been nobody back there for 40 years.

Chairman Buzzutto stated well, it's still a violation.

Mr. Pinchbeck stated I understand.

Chairman Buzzutto stated no matter how you twist, turn, or...

Mr. Pinchbeck stated there's no question in my mind we have a violation.

Chairman Buzzutto stated this is what I had sketched out. I had it come down and across. 10 feet, 10 feet. Well, this would be a little more because this is (inaudible). But this is what would be left here. This is a good sized.

Mr. Pinchbeck stated you know, we go from a safe environment to an unsafe environment. That's what we're proposing.

Chairman Buzzutto stated but why do you say it's unsafe.

Mr. Pinchbeck stated because underneath what we're proposing to take away is rock.

Board Member Bodor stated and....

Mr. Pinchbeck stated and probably, I would guess, that that's why they put it up.

Chairman Buzzutto stated well, they could have put it up, but they could have stayed within the...

Mr. Pinchbeck stated if there was nothing existing...

Chairman Buzzutto stated Codes.

Mr. Pinchbeck stated at that time, people aren't going to know.

Chairman Buzzutto stated well...

Board Member Bodor stated an outcropping of rock. How does that make an area unsafe. That's what I'm having trouble...

Mr. Pinchbeck stated I wouldn't want to walk there. Even as a property owner, I wouldn't want to walk there.

Chairman Buzzutto stated well, the deck will cover a good part of that though, even what would be left of it. This is....I drew it down that way there.

Board Member Bodor stated yes.

Chairman Buzzutto stated it would be a little more room here, but here would be the 10'.

Board Member Bodor stated yes.

Chairman Buzzutto stated oh, this is the property line here, right [referring to a survey].

Board Member Bodor stated yes.

Mr. Pinchbeck stated and I...

Chairman Buzzutto stated so it would 10'.

Mr. Pinchbeck stated and I can...I'd also want to point out again, that the piece of the existing structure that would be creating a variance is minimal. It's no wider than this...of what we're looking at here. This is the depth of which it's going to touch the neighbor's property...or come, whatever the variance is. Because it's cut on an angle. So it's not as if the entire structure is up against the property line. It's a minimal piece of the structure.

Board Member Bodor stated but it is still a piece of the structure.

Mr. Pinchbeck stated absolutely.

Board Member Bodor stated and...

Mr. Pinchbeck stated which we could...

Board Member Bodor stated it's right at the property line...

Mr. Pinchbeck stated which we could put a...

Board Member Bodor stated which is not...

Mr. Pinchbeck stated 2 to 3 foot...

Board Member Bodor stated which is not...

Mr. Pinchbeck stated walkway around it...

Board Member Bodor stated which is not...

Mr. Pinchbeck stated just to get through.

Board Member Bodor stated which is not acceptable when there's a way around it.

Chairman Buzzutto stated well...Do we have any input from the audience on this. I mean, I gave you my opinion about it.

Board Member Bodor stated yes.

Chairman Buzzutto stated like I say, I'm only one and I can't tell you what... That's my opinion, go back to the original 10 foot when it would be... codes was established at 10'. And if the setback is now required 20', well, you know, give him 50% of...

Board Member Bodor stated and I agree with you. This leaves a portion of deck which is still a useable structure. It does...

Chairman Buzzutto stated well, yes.

Board Member Bodor stated it does expose some bedrock, but I don't see that that is a big problem, personally.

Chairman Buzzutto stated I don't either.

Mr. Pinchbeck stated I mean, I understand the concerns. I do remain the property owner and it is my concern.

Chairman Buzzutto stated well, I never... I've been on this Board for many years, and I've never given a variance where there was no setbacks given. You know, applied the zero...

Mr. Pinchbeck stated I understand. I understand zero and not wanting zero. But if we look at the entire situation, if we look at the deck, if we look at where it's placed, we look at the amount of deck that's abutting the property, we can see that alls we'd have to do is pull it back a foot or two and you'd have adequate space to walk. And then the neighbor's home is not for another 200'.

Board Member Bodor stated that's today. You don't know what's going to happen there.

Mr. Pinchbeck stated but I can't make decisions based on what's tomorrow; I can't see tomorrow.

Board Member Bodor stated oh, but we do. That's what planning is about. We have zoning and planning setup to take care of the future as well as today. That's what the plan is all about. And we are obligated by law to minimize variances.

Mr. Pinchbeck stated I understand that.

Board Member Bodor stated and I think what, you know, what our Chairperson is offering is a compromise. You still have a deck and it comes closer to the Code, still doesn't meet Code by today's standards, but it comes closer to it than what was desired originally.

Mr. Pinchbeck stated what I presented tonight was, at the time it was built there is a very, very good chance there was no code. There was no building permit. And there hasn't been one for 40 years. And now, the house has changed hands three times.

Chairman Buzzutto stated alright. I'd like to... Mr. Williams.

Rich Williams stated Mr. Chairman, the original zoning code was adopted by the Town of Patterson in 1942. Whether the variance is appropriate or not, I can't speak to that, I've never been out to the site; I don't know it. But as far as the Zoning Code, we've had zoning since 1942. 1960, 1950, there were setback requirements. You know, so let's get on now.

Chairman Buzzutto stated I know, we've looked at records going way back for other...to see how far the Code was.

Mr. Pinchbeck stated I'm not denying that there was zoning and variance rules in place in 1940, '50, '60 or '70. I'm trying to determine what they were. What I'm being told was that there were...it was none.

Chairman Buzzutto stated well, what we're going by...

Mr. Pinchbeck stated so, I mean, if we can look at that, if I could have time to look at that and look into that, I'd come back. You know...

Chairman Buzzutto stated no, we're going by what the variance was back then, and it was 10', what we have a record of. The Zoning Code now is 20'. And I suggested that we will give you 50% of that to go back to stay within the 10 foot codes, back when that was in the variances at that time. That's...

Mr. Pinchbeck stated can I take that with me tonight and at least have an opportunity to look at what we've got from the Assessor's Office.

Chairman Buzzutto stated no. I think that the Board should act on it tonight and...That's my opinion.

Board Member Bodor stated we've held this over...

Chairman Buzzutto stated it's been held over since May...

Board Member Bodor stated numerous months.

Chairman Buzzutto stated of...

Board Member Bodor stated we need to clear the record on it.

Mr. Pinchbeck stated I mean, I also talked to your office about the possibility of looking at other variances that have been granted since whatever it takes. I mean, I can not be the only person with a zero setback, ever. I mean, there has to be...

Board Member Bodor stated since...

Mr. Pinchbeck stated other rulings.

Chairman Buzzutto stated I never...

Board Member Bodor stated since I've been on the Board, and that's a good number of years, and Mr. Buzzutto stated has been longer...on longer than I have, we have not granted any zero...

Mr. Pinchbeck stated okay.

Board Member Bodor stated zero...

Mr. Pinchbeck stated okay. I'm not...

Chairman Buzzutto stated no...

Mr. Pinchbeck stated but what have we done. I mean, and I'd ask for an opportunity to look at that.

Chairman Buzzutto stated well, like I said, we have had a site walk on it. We've had the Code Enforcement Officer...or the Building Inspector out there. And that's my opinion.

Mr. Pinchbeck stated I mean, there is an existing 4' x 6' deck that is attached to the deck in question. So to propose that we construct a 4' x 6' when it's already there...

Chairman Buzzutto stated well, he's not proposing...He's saying to take this one back to that 4' x 6'. It's just that that would be just a landing...a catwalk...

Mr. Pinchbeck stated but in effect then, what we're saying, is remove the deck. And that was (inaudible – too distant) for a variance...

Chairman Buzzutto stated well, that's what he's saying could be done. He's saying that can be done, to take it back to like a catwalk over there. But we're saying, no, we won't go that far. We'll give you back...We're not going to ask you to take most of the deck out, we're just going to ask you to bring it back 10' from the side line.

Board Member Bodor stated from the rear yard.

Board Member Burdick stated rear yard.

Chairman Buzzutto stated the rear yard setback. That's all we're doing.

Mr. Pinchbeck stated can I have a...Can I have an opportunity to take a look at that structurally, physically, back at my office and to see what...does that make sense. It may...

Chairman Buzzutto stated well...

Mr. Pinchbeck stated it may just be take it down, at which point, I'm...

Board Member Bodor stated and you'd prefer...

Mr. Pinchbeck stated you know...

Board Member Bodor stated we do not make a decision tonight.

Mr. Pinchbeck stated that's what I'm going to ask.

Board Member Bodor stated you're requesting that we put this over another month,

Mr. Pinchbeck stated if this...if...

Board Member Bodor stated so you have an opportunity to investigate...

Mr. Pinchbeck stated yes. I mean, 10 feet might not be doable.

Board Member Bodor stated and...

Mr. Pinchbeck stated when is it, you know, when is a deck not a deck. When is it going to require more support...

Board Member Bodor stated and why would it not...

Mr. Pinchbeck stated or restructuring.

Board Member Bodor stated alright, you're talking about structure and support.

Mr. Pinchbeck stated you know what I'm saying, I got to...Yes. You know, and that was my idea. And if you look underneath the deck you will see the concrete pilings and foundations is all set up exactly where I'm proposing we can take it back and make it safe. But for some reason, we want to make the deck even unsafer by bringing it back another, say 7'.

Chairman Buzzutto stated yes, but we're not leaving you with a 10' deck. We're leaving you with a, I don't know what...

Mr. Pinchbeck stated I don't know because right now we don't have the measurements on the deck. And the deck...The house and the deck itself don't even comprise 20' from the property line. So if you take 10 [feet] back, you might not have 4'.

Chairman Buzzutto stated well, no you...This is a picture of it here. It'd be a lot more than 4 feet here.

Mr. Pinchbeck stated the house itself is not 20'. So proposing 10 [feet], you may be right up in certain inches...It might not work.

Board Member Bodor stated we don't have a measurement on the deck, per se. Just the deck.

Mr. Pinchbeck stated I provided a brand new survey.

Board Member Bodor stated I'm sorry.

Mr. Pinchbeck stated I've provided a survey last time I was here. I don't have...

Board Member Bodor stated you provided a survey.

Mr. Pinchbeck stated a copy. Right.

Board Member Bodor stated and I'm looking at the survey right here.

Mr. Pinchbeck stated and the distance...the deck is not 20' itself. The deck is not...From the property line to the house is not 20'. So if you take 10 [feet] off of that, in certain areas you may have 2 feet left.

Board Member Bodor stated I'm looking from the house to a point on the rear property line and I'm seeing 18.60 feet.

Mr. Pinchbeck stated okay.

Board Member Bodor stated at another point I'm looking at, it looks like 21.45'.

Mr. Pinchbeck stated okay.

Board Member Bodor stated if we take 10 [feet] off the back, that's going to leave you roughly, going out, at one point...well, both points, by 10. Take 10 off from 18. Alright, 8' at that point, but going across it doesn't change.

Mr. Pinchbeck stated it makes sense to...

Board Member Bodor stated it doesn't take away the whole deck. It is still a useable deck back there.

Mr. Pinchbeck stated to make sense out of this, we'd...I'd have to have the survey people to come out there. There's a line that we snapped that you guys saw, I'd have to have them take it from there, measure it in and see what...

Board Member Bodor stated at...What do you propose to do if we give you another month.

Mr. Pinchbeck stated I'm going to ask if I can come back one more time.

Board Member Bodor stated could we understand clearly, 1, 2, 3, what are you going to do if we give you a month.

Mr. Pinchbeck stated I'm going to refer this matter to my office. I'm going to tell them what you're proposing.

Board Member Bodor stated your office is...

Mr. Pinchbeck stated my attorney. First and foremost, I'm not happy with this.

Board Member Bodor stated your office is an attorney. You're an attorney.

Mr. Pinchbeck stated no. I have an in-house.

Board Member Bodor stated you have an in-house attorney...

Mr. Pinchbeck stated yes.

Board Member Bodor stated at your place of business.

Mr. Pinchbeck stated yes.

Board Member Bodor stated okay. And you're going to refer it to him to do what.

Mr. Pinchbeck stated well, yes.

Board Member Bodor stated he's going to go out and measure.

Mr. Pinchbeck stated he'll look at it. He'll, you know, he's got the documents from the Assessor's Office. You know, he's asking me to take a look at variances, see what we're doing. But, I'm not even at liberty to go there at this point. But to cut a deck back arbitrarily 10 feet and make an unsafe situation, it's just not making a lot of sense to me. And I'm not even here, again, I want to do what's right. I want to take the piece of deck off the neighbor's property.

Board Member Bodor stated but that's all you want to do. And we want to bring it in further.

Mr. Pinchbeck stated and then I want to make a walkway where it's safe. But the deck has 50 years of history.

Board Member Bodor stated but that doesn't make it correct.

Mr. Pinchbeck stated well, I'm asking for some leniency some, you know...

Board Member Bodor stated we are granting you leniency, though, by offering you...

Mr. Pinchbeck stated a report from...

Board Member Bodor stated perhaps...

Mr. Pinchbeck stated Nick Lamberti that says erect a 4' x 6...You already have one. That's not...That's...

Board Member Bodor stated alright, I...You know, we're just going around in circles...

Mr. Pinchbeck stated okay.

Board Member Bodor stated here right now. I'm going to make a motion that we put this off one more month, but in the month of December, we will be deciding on this case.

Mr. Pinchbeck stated that's fine.

Chairman Buzzutto stated can I get a second on that.

Board Member Olenius stated I'll second.

Board Member Herbst stated I'll second.

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

Mr. Pinchbeck stated good night.

Chairman Buzzutto stated okay, that will be one more month.

2) **KATHLEEN PETTEY CASE #30-10**

Ms. Kathleen Pettey and Jeff Moore, Harry Nichols Office, were both present.

Chairman Buzzutto stated let's see. Kathleen Pettey. Okay, you want to read the...

The Secretary read the following legal notice:

**Kathleen Pettey Case #30-10 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to demolish her existing garage and reconstruct and enlarge a new garage. The Code requires a minimum 15' side yard setback; Applicant is proposing 2'; Variance requested is for 13'. The Code also requires a minimum 25' rear yard setback; Applicant is proposing 2'; Variance requested is for 23'. The Code requires lot coverage to be not more than 12%; Applicant will be able to provide 60%; Variance requested is for 48%. This property is located at 35 South Street (R-1 Zoning District).

Chairman Buzzutto stated Perry. Is it Perry or Pettey.

Board Member Bodor stated Pettey.

Chairman Buzzutto stated Pettey. Okay, you want to give us, in your words, what you want to have done. You've heard the...read from the...

Ms. Kathleen Pettey stated I heard it. I can't say I understand it, but I heard it.

Chairman Buzzutto stated okay.

Ms. Pettey stated I have my pictures here of my old, dilapidated garage that's been there, probably, been there 1800s or something. It's rotted, falling in, filled with mud inside. I want to construct something that's similar to it, only just a little bigger, like big enough to fit a car in.

Board Member Bodor stated what you want to construct would be in the footprint in the existing.

Ms. Pettey stated it would be a little bigger. Right now the footprint of the existing isn't, you know, big enough for like a vehicle to go into...garage.

Board Member Bodor stated the proposed will go closer to the sideline or into the interior of the property.

Ms. Pettey stated it will go, well...It's right on the edge of the property now.

Board Member Bodor stated right. But it's not going to go any closer.

Ms. Pettey stated it's going to go a little closer, like a foot or two.

Board Member Bodor stated is it necessary to move any closer. You can't just...where it is.

Ms. Pettey stated no. It's like my son said, what's the sense of having a garage if you can't put a car in there.

Board Member Bodor stated we have pictures and we have proposed. We have all the pictures.

Chairman Buzzutto stated I've seen those.

Board Member Bodor stated this is...

Chairman Buzzutto stated is this the complete size of the property where it says...

Ms. Pettey stated yes.

Chairman Buzzutto stated it says...

Ms. Pettey stated there's an easement in the back; there's the 45' easement on the rear of the property. There's a, I think, 20' for a waterline and another 25' for a conservation easement.

Chairman Buzzutto stated oh, okay.

Board Member Bodor stated your property backs up to DeBourbon property...

Ms. Pettey stated right.

Chairman Buzzutto stated yes, DeBourbon.

Board Member Bodor stated which is now Bright.

Chairman Buzzutto stated is there anything built on the easement.

Ms. Pettey stated no.

Chairman Buzzutto stated nothing. I don't think you can build on an easement anyway. The height and everything is the...will be...

Ms. Pettey stated the height will be pretty much the same except for over here where it's low, it will be as high over.

Chairman Buzzutto stated oh, I see. Over here. So that's what, 30 feet.

Jeff Moore stated it's approximately 30 [feet].

Ms. Pettey stated yes.

Chairman Buzzutto stated I'm sorry.

Jeff Moore stated that's approximately 30 feet.

Chairman Buzzutto stated okay.

Board Member Bodor stated are you the builder.

Jeff Moore stated no. I'm doing the building plans.

Board Member Bodor stated you did the plans.

Jeff Moore stated yes. Yes, my name is Jeff Moore from Harry Nichols Office.

Board Member Bodor stated yes. I didn't catch your name.

Jeff Moore stated Jeff Moore.

Board Member Bodor stated Jeff Moore.

Ms. Pettey stated Bill Martin's going to build it. He just did his own. He's the one that...

Board Member Bodor stated oh, alright.

Ms. Pettey stated talked me into it.

Board Member Bodor stated he's a neighbor right there.

Ms. Pettey stated yes.

Board Member Bodor stated okay.

Ms. Pettey stated I think I'm the only left on the street with an old garage.

Chairman Buzzutto stated and what's going to be above the car storage space.

Ms. Pettey stated just...

Chairman Buzzutto stated just a...

Ms. Pettey stated like a loft area storage.

Chairman Buzzutto stated loft.

Board Member Bodor stated never to be inhabited by...

Ms. Pettey stated no. No.

Board Member Bodor stated people.

Ms. Pettey stated no.

Chairman Buzzutto stated that would be...

Board Member Bodor stated will there be electricity in this...

Ms. Pettey stated yes. There's already...

Board Member Bodor stated structure.

Ms. Pettey stated there's already electricity in this one. So yes...

Board Member Bodor stated okay.

Ms. Pettey stated there will.

Board Member Bodor stated but no water.

Ms. Pettey stated no water.

Jeff Moore stated I should mention that next door there is a garage to the south that's approximately the same size. I think it's 28' x 38'.

Board Member Bodor stated on the next property right there.

Jeff Moore stated this is yours (inaudible). I don't know if it's still theirs.

Ms. Pettey stated oh. That's now Bourdette. And there's one on the other side, too, that's right on the property line. Actually, it's on (inaudible).

Board Member Bodor stated so the existing structure will come down completely.

Ms. Pettey stated yes.

Board Member Bodor stated tear down, rebuild. Mr. Martin complete his at this point...

Ms. Pettey stated yes.

Board Member Bodor stated in time. I haven't been by there to know. I wouldn't know which one it was anyway.

Ms. Pettey stated he's putting siding on it now.

Board Member Bodor stated okay.

Chairman Buzzutto stated what is this stuff in here. What is that (referring to a picture). This.

Ms. Pettey stated which one.

Chairman Buzzutto stated what is it.

Board Member Bodor stated that's attached to the property description page that we have.

Ms. Pettey stated oh, okay. That's the same barn...

The Secretary stated this right here.

Ms. Pettey stated oh, right there. That's a pool.

Board Member Bodor stated it's a what.

Ms. Pettey stated a pool.

Board Member Bodor stated a pool. Above ground.

Ms. Pettey stated yes. An above ground pool.

Chairman Buzzutto stated oh, that's it.

Board Member Bodor stated that's behind your house then.

Ms. Pettey stated yes.

Board Member Bodor stated on your way to the barn.

Ms. Pettey stated yes.

Chairman Buzzutto stated oh, I can see the edge of the pool. The entrance to the barn for the cars would be directly right into it from the drive. It wouldn't be on the side or anything.

Ms. Pettey stated no.

Chairman Buzzutto stated well, I don't...

Ms. Pettey stated right here. Right where it is.

Chairman Buzzutto stated yes.

Board Member Bodor stated that file photo is 1996. Is that pool still there.

Ms. Pettey stated yes.

Board Member Bodor stated it is, okay.

Chairman Buzzutto stated it's a '96, that's a good pool.

Board Member Bodor stated what.

Ms. Pettey stated good pool. Fantasy pool.

Board Member Bodor stated yes, it's still standing.

Chairman Buzzutto stated I'm assuming these are the barns here; right here.

Ms. Pettey stated yes.

Chairman Buzzutto stated these way back here right on the property.

Ms. Pettey stated yes.

Chairman Buzzutto stated is the frontage on it 61'. Is that what I'm reading.

Jeff Moore stated it's 46.5' in the back.

Chairman Buzzutto stated 46.5. Where on South Street is this.

Ms. Pettey stated about three down from the funeral home on the same side.

Chairman Buzzutto stated oh. On the same side.

Ms. Pettey stated right at the intersection with First Street.

Chairman Buzzutto stated first...Okay. Now I know. I'd like to take a look at it before we do anything on this one here because there on this one here.

Board Member Herbst stated I agree. I think we should take a look at it.

Chairman Buzzutto stated where'd the front sheet go. Let's see. Requesting a...15' yard setback to enlarge...15 yard...side yard setback. Applicant requesting a variance of 13'. The Code also requires...

Board Member Bodor stated what is the size of this structure.

Jeff stated it's 30' x 40'.

Board Member Bodor stated 30' x 40'. I'm looking, it maybe here, but I don't see it.

Jeff Moore stated yes. It's right here [referring to plans].

Board Member Bodor stated okay, I got that picture. Got you. And the existing is not as wide. What is the existing one.

Ms. Pettey stated it's 28' x 32' or something like that.

Jeff Moore stated yes.

Ms. Pettey stated 28' by...

Jeff Moore stated 26...

Ms. Pettey stated 32' x 22'.

Carl Lodes stated and you're proposing 38'x26'.

Ms. Pettey stated right.

Jeff Moore stated yes. 30' x 40' is proposed. But, yes, 32' x 22'.

Board Member Bodor stated 32' x 22'. Yes, where is it.

Carl Lodes stated yes, it's on the second page of the...This one. The Zoning Board Denial. Right there, yes. Second page in.

Board Member Bodor stated too many papers.

Carl Lodes stated second page in on the dimension of building.

Board Member Bodor stated got it. Okay. 32' x 22' going to 38' x 26'. But this says 30' x 40'. So is it 30' x 40' or...

Jeff Moore stated it should be 30' x 40'.

Board Member Bodor stated because this says 28' by...26...38' x 26'.

Ms. Pettey stated I might have filled it out wrong.

Board Member Bodor stated it should be 30' x 40'.

Ms. Pettey stated I did it in the office.

Jeff Moore stated 30' x 40'.

Board Member Bodor stated or 40' x 30'. Okay, we wish to take a site walk on this one. Is that everyone's pleasure.

Chairman Buzzutto stated I would request it myself, yes.

Board Member Bodor stated I think I heard Jerry say it, too.

Chairman Buzzutto stated because there's a lot of...

Board Member Herbst stated and Lars is shaking his head yes.

Board Member Burdick stated I agree.

Board Member Bodor stated then we'll put this off till the December meeting and we'll schedule a site walk at your convenience and our convenience. Okay.

Ms. Pettey stated okay. It's just that Bill Martin wanted to start building it before the snow and everything.

Board Member Bodor stated well, we'll do the best we can.

Ms. Pettey stated okay.

Board Member Bodor stated hopefully there won't be a big snowstorm before.

Ms. Pettey stated okay. Alright. Thank you.

Jeff Moore stated thank you.

Chairman Buzzutto stated okay, we'll let you know...

Board Member Bodor stated so Sarah will contact you when we...

Ms. Pettey stated okay.

Board Member Bodor stated setup the...

Chairman Buzzutto stated yes.

Board Member Bodor stated site walk. Okay.

Jeff Moore stated the meeting, I believe, is the 15<sup>th</sup> of December. Wednesday.

Board Member Bodor stated that's a good day.

Jeff Moore stated oh, there...

Board Member Bodor stated I think you're right.

The Secretary stated yes.

Board Member Olenius stated yes.

Board Member Bodor stated I was working around that.

Board Member Olenius stated December 15<sup>th</sup>.

Board Member Bodor stated December 15<sup>th</sup>.

Jeff Moore stated thanks.

Board Member Bodor stated good.

Ms. Pettey stated thank you.

Board Member Bodor stated okay. Thank you. Have a Happy Thanksgiving.

Ms. Pettey stated you, too.

Board Member Bodor stated thank you.

**3) OTHER BUSINESS**

Chairman Buzzutto stated okay.

Board Member Herbst stated (inaudible – too distant).

Board Member Olenius stated well, put it to you this way, this is when their barn was built. This part here was built in the 1890s so...

[Laughter].

(Inaudible – papers shuffling)

Chairman Buzzutto stated it says the variances on this are for 2', he has 2', he's requesting 14'. This is the variance requested.

Board Member Bodor stated what.

Rich Williams stated those dimensions were significantly different. Do (inaudible – too distant) show in the plans [referring to Kathleen Pettey's application].

Board Member Bodor stated it showed...

Board Member Burdick stated the plans were correct.

Board Member Bodor stated the plans were correct.

Board Member Burdick stated the plan were correct. It was on the application that it was wrong.

Board Member Bodor stated this is where the mistake is, right here [referring to the Building Permit Application Form].

Rich Williams stated okay.

Board Member Bodor stated the plans are alright.

Rich Williams stated so the plans are right.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated okay.

**a) Gonsalves Case #29-10 Conditions**

Board Member Bodor stated where we at. I think the record needs to show that we did get the completed...

Chairman Buzzutto stated the completed...

Board Member Bodor stated Accessory Apartment Compliance Checklist from the applicant from the last meeting as we requested. I just glanced at it, but it looked complete to me.

Chairman Buzzutto stated yes.

Board Member Burdick stated yes. It looked complete to me, as well.

Board Member Bodor stated and that was one of the conditions that went with...

Chairman Buzzutto stated with the reso.

Board Member Bodor stated with the reso.

**b) Getty Petroleum Case #20-10 Conditions**

Board Member Bodor stated and we had another piece of correspondence from Mr. Lamberti regarding Getty Petroleum. And this is dated November 4<sup>th</sup>.

Chairman Buzzutto stated I went by there today and took a...I took a good look. I didn't see no trailers in there at all.

Board Member Bodor stated the trailer is gone at this point in time.

Chairman Buzzutto stated it's gone.

Board Member Bodor stated I noticed it.

Chairman Buzzutto stated I looked there...

Board Member Bodor stated but however, when Nick was out there...

Chairman Buzzutto stated yes.

Board Member Bodor stated on November 4<sup>th</sup>, it was still there. And that's what he's addressing here.

Chairman Buzzutto stated and I couldn't see the dumpster either, so that must have been moved.

Board Member Bodor stated I don't know. I couldn't tell about the dumpster. But...

Chairman Buzzutto stated well, they had cars parked there, so I couldn't quite see it. But...

Board Member Bodor stated but Nick did...

Chairman Buzzutto stated I didn't see no trailers back there.

Board Member Bodor stated no. He did say that the trailer was still in existence, however, it has been removed at this point in time.

Chairman Buzzutto stated okay. So we noticed that letter in the minutes. What else.

**c) 2011 Meeting Schedule**

Board Member Bodor stated other business. Oh, Sarah has prepared the 2011 meeting schedule. At the bottom she stated "Meeting Schedule is subject to change by the Zoning Board of Appeals" which is very good. Because we can sit here and say this is okay for next year, but...

The Secretary stated who knows.

Board Member Bodor stated who knows. Something could come up. But this is what we're looking at.

Chairman Buzzutto stated well, that's as we go.

Board Member Bodor stated looking at it just, you know, at first blush, does anyone have a real problem with any of those dates that you know of. I know it's a long way off. Then shall we approve it.

Board Member Olenius stated I'll make a motion to approve it.

Board Member Bodor stated second. I'll second it. All in favor. Motion carried by a vote of 5 to 0.

Chairman Buzzutto stated alright, we'll make a motion that we approve it, but...

Board Member Bodor stated it's all done.

Chairman Buzzutto stated okay. Alright.

Board Member Olenius stated (inaudible) down there.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated that's where it is. That's the important piece right there.

Chairman Buzzutto stated okay.

**d) Minutes**

Board Member Bodor stated okay. And is there any other business.

Board Member Burdick stated minutes.

Board Member Bodor stated the minutes. October 20<sup>th</sup> minutes.

Board Member Burdick stated thank you for emailing them.

The Secretary stated sorry I didn't send them Friday.

Board Member Burdick stated it's okay.

Board Member Bodor stated does someone want to make a motion to approve them.

Board Member Burdick stated I'll make a motion to approve them.

Board Member Herbst stated second.

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

Chairman Buzzutto stated opposed. Okay, so be it.

**e) Site Walk**

Board Member Bodor stated alright, let's setup a site walk for this property.

Board Member Herbst stated you're leaving tomorrow just for the weekend.

Board Member Olenius stated I come back December 2<sup>nd</sup>.

Board Member Herbst stated oh.

Board Member Bodor stated does someone have some ideas.

Board Member Olenius stated I'll be away until December 2<sup>nd</sup>, which is a Thursday.

Board Member Bodor stated okay.

Board Member Olenius stated I don't believe that I have anything that weekend if that...Are we bound to Saturdays now, I believe, with the...

Board Member Bodor stated probably. It gets dark early. Yes.

Board Member Olenius stated yes.

Chairman Buzzutto stated yes.

Board Member Olenius stated and you're back on reschedule, Marianne, too, right. No more summer fun.

Board Member Burdick stated no more summer fun. Not even allowed to flex my day, so I can't even get off at 4 [p.m.] to come out. If you twist my arm, I could probably take time though.

[Laughter]

Board Member Olenius stated no, it's up to you...I can do it after work any day. I get out at 2:30. But if a weekend is better for everybody else, that's fine, too.

Board Member Bodor stated well, it looks like we have to go with the weekend actually. So that very weekend, Saturday the 4<sup>th</sup>, or Sunday the 5<sup>th</sup>. Whichever.

Board Member Burdick stated I can't do Sunday, I'll be...

Board Member Bodor stated can't do Sunday.

Board Member Burdick stated but Saturday I can.

Board Member Bodor stated Saturday the 4<sup>th</sup>. How does that look.

Board Member Herbst stated I think Saturday's a lot better than Sunday, too.

Board Member Bodor stated Saturday the 4<sup>th</sup>.

Board Member Herbst stated yes, that's fine with me.

Board Member Bodor stated at what time. Not at 8 o'clock.

Board Member Herbst stated no, no.

Board Member Burdick stated 9 [a.m.].

Board Member Herbst stated I think that we should make it at a reasonable time.

Board Member Bodor stated thank you.

Chairman Buzzutto stated Jerry's buying breakfast, so it's got to be a little early.

Board Member Burdick stated well, reasonable is different...

Board Member Herbst stated how about...

Board Member Burdick stated for different people.

Board Member Herbst stated 1 o'clock in the afternoon.

Board Member Burdick stated no. No.

Board Member Bodor stated no.

Board Member Herbst stated well, I'm just getting up at 12.

Board Member Bodor stated well, then you're going to miss this trip.

[Laughter]

Board Member Burdick stated is 9 o'clock okay for everybody.

Board Member Bodor stated 9 o'clock.

Board Member Herbst stated yes, that's fine.

Board Member Bodor stated okay. Nine o'clock at the residence. Do we want to pick an...

Board Member Burdick stated yes.

Board Member Bodor stated alternate date.

Board Member Herbst stated what did she say, that she was three doors down from the funeral home.

Board Member Burdick stated yes, is it 35. I couldn't read the address on her...

Board Member Olenius stated it looked like it was directly across from First Street.

Board Member Burdick stated 35 South Street.

Board Member Herbst stated that's what she said, it was across from First Street.

Board Member Bodor stated 35 South [Street]. It's on the right hand side as you go down because it backs up to DeBourbon property.

Board Member Herbst stated okay. Alright.

Board Member Bodor stated okay. Alright, so we've got the 4<sup>th</sup> as a first date. I can't do the 11<sup>th</sup>, so if we're going to go for another Saturday, it would be the 18<sup>th</sup>.

Board Member Olenius stated that's too late. The meeting's the 15<sup>th</sup>.

Board Member Bodor stated that's right.

Board Member Burdick stated the meeting's the 15<sup>th</sup>.

Board Member Bodor stated it doesn't work.

Board Member Burdick stated if we had...I mean, I probably...Shawn could watch the kid for an hour while I was gone on the 5<sup>th</sup> if we had to do it, there's no other date.

Board Member Bodor stated well, if it snows on the 4<sup>th</sup>, chances are the 5<sup>th</sup> is not going to be much better.

Board Member Burdick stated I was just thinking of it not being convenient for her. Her not being available on the 4<sup>th</sup>.

**TAPE ENDED**

Board Member Bodor stated it snowed upstate already.

Board Member Burdick stated I know. I'm trying to be optimistic.

Board Member Bodor stated well, let's...Shall we choose the 5<sup>th</sup> as an alternate.

Board Member Burdick stated unless you want to do Sunday the 12<sup>th</sup>.

Board Member Bodor stated unless we go onto the 12<sup>th</sup>, which is a Sunday also.

Chairman Buzzutto stated well, the only reason not taking the 4<sup>th</sup> is possible snow.

Board Member Bodor stated yes.

Chairman Buzzutto stated that would be the only reason.

Board Member Bodor stated yes. Right. Or it's not convenient for the applicant. So we need an alternate.

Board Member Burdick stated well, why don't we do the 5<sup>th</sup> and then if it's snow, the 12<sup>th</sup> can be the alternate. You know, the alternate to that, so we get it over and done with in the beginning of the month.

Board Member Bodor stated alright. So we'll have the 5<sup>th</sup> as an alternate.

Board Member Burdick stated yes.

Board Member Bodor stated at 9 [a.m.] also.

Board Member Burdick stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay, so the original will be the 4<sup>th</sup>.

Board Member Burdick stated don't give her the choice of Sunday, though.

The Secretary stated alright.

Board Member Burdick stated unless it's absolutely necessary. Like don't tell her they're thinking the 4<sup>th</sup> or the 5<sup>th</sup>.

The Secretary stated Saturday.

Board Member Burdick stated exactly.

Board Member Bodor stated okay, anything else.

Chairman Buzzutto stated (inaudible) motion to adjourn.

Board Member Bodor stated make a motion to adjourn.

Board Member Herbst stated second.

Board Member Bodor stated all in favor.

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

Meeting was adjourned at 7:44 p.m.