

APPROVED

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
November 23, 2009**

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
David Pierro, Vice Chairman
Michael Montesano
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**Zoning Board of Appeals
November 23, 2009 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 Gerald Herbst, Board Member Lars Olenius, Carl Lodes, Attorney with Town Attorney’s Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:04 p.m.

There were approximately 6 members of the audience.

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

Chairman Buzzutto stated roll call.

The Secretary did roll call.

Roll Call:

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

1) VERIZON WIRELESS CASE #21-09

Mr. Jordan Fry, Snyder & Snyder, and Ms. Dawn McKenzie, Insite Engineering, were both present.

Chairman Buzzutto stated okay. First on the agenda, what do we got here. Verizon. Is Verizon here yet. Okay.

Mr. Jordan Fry stated good evening.

Chairman Buzzutto stated good evening.

Mr. Fry stated my name is Jordan Fry. I'm from the law firm of Snyder & Snyder. It's 94 White Plains Road, Tarrytown, New York. As you may recall, we're here tonight in connection with the proposed public utility wireless communications facility at the property located at 801 Route 311, Patterson, New York. The proposed facility consists of small panel antennas inside the dome of the existing silo at the property, together with related equipment at the base thereof. As you may recall, wireless facilities aren't permitted in the Town of Patterson, so Verizon Wireless is here for a use variance. Also, in addition to the use variance, Verizon Wireless is requesting three area variances. It's a rear yard variance of 20' since like, the existing silo... Verizon Wireless' equipment at the base of the silo is 60' from the rear yard, and 80' is required. A height variance of 34' since the existing silo is 72' and only 38' is required for a principal structure. And finally, a 1.6% variance regarding impervious surface coverage since with a slight modification to the gravel drive, 11.6% is proposed and only 10% is permitted. Based on our last meeting and the site visit, it didn't appear that the Board had too many issues. I do recall at last week's site visit that both the Zoning Board and the Planning Board were interested in some landscaping around Verizon Wireless' proposed equipment area. And our engineers, Insite, had a discussion with the Town Planner, and we'd like to just show Board what our engineers and Mr. Williams discussed. So I'm just going to hand out a general sketch of what Verizon Wireless proposes so you guys can get an idea. If you can just mark it as received [asking the Secretary to sign the handout]. So in addition to the landscaping, which we can go over, I'm here to answer any of your questions and the Board satisfied, I do respectfully request the (inaudible) of variances to be granted along with a negative declaration with respect to SEQRA. Would you like us to go through the landscaping with you.

Chairman Buzzutto stated this was drawn up as of when. As of the site walk.

Mr. Fry stated this was...Right after the site...

Chairman Buzzutto stated right after the site walk.

Mr. Fry stated or I should say...When did you guys speak to Mr. Williams.

Ms. Dawn McKenzie stated I spoke to Mr. Williams. I'm Dawn McKenzie.

Mr. Fry stated this is Dawn McKenzie from Insite Engineering.

Chairman Buzzutto stated you were up at the site walk.

Ms. McKenzie stated yes.

Mr. Fry stated so Dawn, you had a discussion with Mr. Williams, correct.

Ms. McKenzie stated I did. I actually spoke with Mr. Williams on Friday...

Chairman Buzzutto stated right.

Ms. McKenzie stated and redid a sketch and I sent it to him, and he commented on it, made some additions, and this was the result of...

Chairman Buzzutto stated but this is the latest.

Ms. McKenzie stated right.

Mr. Fry stated right.

Ms. McKenzie stated this is the result of my final discussion with him.

Chairman Buzzutto stated okay, fine.

Ms. McKenzie stated yes.

Chairman Buzzutto stated okay. Just briefly...You want to go over that just briefly with us.

Mr. Fry stated okay, sure. Dawn, why don't you just go over the proposed landscape.

Ms. McKenzie stated okay. Most of the concern that was expressed at the site walk was the view of the shelter and the fence around it, right. So...and coming from the east. So what we did is we put most of the landscaping on that side. To protect from that side, we also...So if you look, between the silo and the proposed driveway, there are three eastern red cedars; a grouping of those there. And then on the other side of the proposed driveway, we have a couple of white pines and three more eastern red cedars. And then down to the south there's two more, on the south side of the compound, okay. And then also to the west, we put an additional three eastern red cedars. And each of these...You can see the planted heights. The cedars are going to go in at 5 foot to 6 foot height, initially. They'll grow...They have a pretty medium to rapid growth rate. So, they'll put on some good size within a few years. You know, they'll start to fill in. And pines, I don't know if you're familiar with those, they grow pretty rapidly. So they'll also fill in pretty quickly. And these are decent size to start with; 5 to 6 footers are, you know, probably about my height. Six to seven footers are up in this range. So...okay.

Mr. Fry stated thank you.

Board Member Olenius stated would you be removing that cottonwood tree that we were standing underneath on the south side there.

Mr. Fry stated okay. Well, it seemed that there was some mixed opinions on whether or not that tree needs to be removed.

Ms. McKenzie stated right.

Mr. Fry stated at the...Verizon Wireless can remove it. But it's really the Planning Board's decision if they...Verizon Wireless has no objection if at the Planning Board meeting they ask Verizon to remove the tree, Verizon Wireless would have no objection to removing it. If it's to remain as proposed, the, you know, they'll take...they'll just leave it and on construction, we'll make sure to protect it.

Board Member Olenius stated okay. Is that the cottonwood tree there because I can't see what the note [referring to the handout]...That's where it was.

Ms. McKenzie e stated yes. Yes, that's the one we were standing by.

Board Member Olenius stated okay.

Ms. Mackenzie stated yes.

Chairman Buzzutto stated where is that. This one here.

Board Member Olenius stated right here. Initially when I was looking at this, it looked like two junipers were in its place. That's the only reason I posed the question.

Ms. McKenzie stated no. No.

Board Member Olenius stated I couldn't read the note on...

Chairman Buzzutto stated is that a type of a tree that has to be pruned yearly, or...

Ms. McKenzie stated what's that.

Chairman Buzzutto stated that particular type of a...I don't know much about them.

Ms. McKenzie stated the cottonwood.

Chairman Buzzutto stated yes. Does that have to be...

Ms. McKenzie stated the existing tree. No.

Chairman Buzzutto stated no.

Ms. McKenzie stated they shouldn't have to prune any of the things...The trees that are existing...

Chairman Buzzutto stated I don't know...

Ms. McKenzie stated or the trees that are proposed.

Chairman Buzzutto stated yes, to keep its shape or something. I don't know.

Ms. McKenzie stated no actually. It will be fine.

Chairman Buzzutto stated okay. The outside area beyond the fence will be lawn type of a...like it is up there now.

Ms. McKenzie stated right.

Mr. Fry stated yes. That's all going to stay...

Chairman Buzzutto stated that's going to stay there.

Mr. Fry stated with the exception of a small parking space so that maintenance can be...

Chairman Buzzutto stated yes.

Mr. Fry stated performed once a month.

Chairman Buzzutto stated and the road coming up to that from [Route] 311... Well, you got to go through the... They have to go through the farm type of a thing to get up there. That (inaudible).

Ms. McKenzie stated it depends on where you normally put that (inaudible).

Chairman Buzzutto stated right up on top there.

Ms. McKenzie stated do I clip it up. Alright. [Referring to putting plans up] I don't know if I can reach.

(Laughter)

Ms. McKenzie stated I'm vertically challenged.

Chairman Buzzutto stated I don't know if material for the road or not.

Mr. Fry stated so the access drive, which actually I believe everyone used to go up to the silo at the site visit, that's what's going to be used by Verizon Wireless to access the site. And as you recall, Verizon's requesting a small variance with respect to impervious surface coverage because they're actually widening the gravel path, slightly.

Chairman Buzzutto stated the way we went in there the other night, is that the way it's going to be at all times, or... The road... the drive.

Ms. McKenzie stated where you drove up.

Chairman Buzzutto stated how you directing us through the... up by the vehicles.

Ms. McKenzie stated yes.

Chairman Buzzutto stated yes.

Ms. McKenzie stated yes. You're actually coming, I think... I'm trying to remember. Yes, we came up this way.

Chairman Buzzutto stated right. Yes.

Ms. McKenzie stated we parked around in this area on the grass (inaudible). So yes. This is the way the driveway goes. It follows the existing driveway that you follow on the way up, and then it continues on. Actually, yes. You see, there's already, if you look at the plan it's dirt now, they're just going to make it gravel. So it's easier to maintain and they can get in there year round if they need to.

Chairman Buzzutto stated but what I'm saying is it's going to be the same entrance off [Route] 311...

Ms. McKenzie stated oh, yes.

Chairman Buzzutto stated that we use.

Ms. McKenzie stated there's nothing new. I'm sorry.

Chairman Buzzutto stated that's going to be the same.

Ms. McKenzie stated nothing new. That's correct.

Chairman Buzzutto stated okay.

Board Member Olenius stated I see on this little cut here that the underground utilities follows this gravel drive.

Ms. McKenzie stated yes.

Board Member Olenius stated is that through the...Down to [Route] 311.

Ms. McKenzie stated there's actually...Let me flip up, so you can see one of the other plans because it actually shows on here. There's an existing pole on the site. There's existing utilities on the site already.

Board Member Olenius stated okay.

Ms. McKenzie stated and it's tying into that.

Board Member Olenius stated okay.

Ms. McKenzie stated and it will follow the existing driveway all the way up. And this is actually, I think, the only area where there isn't driveway right now. We kind of drove up in here, parked around here. We're going to pave this out. The utilities follow that track.

Board Member Olenius stated I noticed that there was old utilities on the existing silo. Underground, too. That's the only reason I was curious. I didn't see where they were being feed from though, because it was underground also.

Ms. McKenzie stated okay.

Board Member Olenius stated there was an old meter pan still attached to the side of the silo. So there'll be no additional poles really is where I was going with that.

Ms. McKenzie stated no. No, they're taking it all underground from the existing pole.

Board Member Olenius stated okay.

Chairman Buzzutto stated okay. Anything else we have on that. Satisfied with the screening, because you mentioned about the fencing.

Board Member Bodor stated yes. No I...Yes. I'm very happy with the screening because I do feel that it's wide open to the development...

Chairman Buzzutto stated yes.

Board Member Bodor stated in the back there. Many lots of which are not developed yet either, so...

Chairman Buzzutto stated yes.

Board Member Bodor stated probably more there, looking directly at that. The screening will help...

Chairman Buzzutto stated other than the screening...

Board Member Bodor stated make it more...

Chairman Buzzutto stated there will be a security fence.

Mr. Fry stated the equipment is enclosed by a fence which will be locked.

Chairman Buzzutto stated locked, yes. Okay.

Mr. Fry stated right.

Chairman Buzzutto stated and did the security...not the security. But the screening will be on the outside of that.

Ms. McKenzie stated that's correct.

Chairman Buzzutto stated okay fine. Do I have any input from the audience on that particular...

Darryl Hunt stated not on that...

Chairman Buzzutto stated do want to come up and give your name, Sir, if you want to talk.

Cory Rossi stated can I come up with him.

Chairman Buzzutto stated certainly, yes.

Darryl Hunt stated I'm Darryl Hunt with the WRAM.

Cory Rossi stated and I'm Cory Rossi with the WRAM. Good evening.

Board Member Bodor stated good evening.

Chairman Buzzutto stated good evening.

Darryl Hunt stated good evening again. We don't have any concerns about the access or the road, but we have one concern that's about the power output. And I think Cory has more...

Cory Rossi stated the question that we have, obviously being the adjacent neighbor and we fly model airplanes, it's just our concern with making sure we can continue to do that. From what we've been provided, and this is a packet of information on the antenna and transmission data that we have been given, it seems to be okay from our standpoint. We seem to be okay with that.

Chairman Buzzutto stated that information came from where.

Cory Rossi stated this information came from...

Chairman Buzzutto stated Verizon.

Cory Rossi stated Verizon.

Chairman Buzzutto stated Verizon. Okay.

Mr. Fry stated no, I believe...

Chairman Buzzutto stated okay, that's...

Mr. Fry stated did you guys obtain it from Town Hall.

Darryl Hunt stated we did.

Mr. Fry stated that's based from our submission.

Chairman Buzzutto stated right.

Darryl Hunt stated we got a copy from Town Hall.

Mr. Fry stated right.

Chairman Buzzutto stated okay, fine.

Cory Rossi stated so I guess what we're trying to say in this moment is that we feel this is okay for us and...

Chairman Buzzutto stated good, okay.

Cory Rossi stated this doesn't give us a problem. However, we do have a question going forward, and the question: would the power that is described here is what we believe, when we added it up, and I'm not a scientist, but it looks like about 76 watts of power; total power. Unless I'm mistaken.

Chairman Buzzutto stated output or...

Cory Rossi stated output.

Darryl Hunt stated output, yes.

Cory Rossi stated so, do we have any assurances that that will remain at that power, because let's just say...Because what I've read in here, the overview is that this is well below some guidelines, I believe, that they reference the FCC has allotted for cell towers and alike. So they are by, what I believe they are saying, they're using a very low power setting. Which is okay, again, for us. Do we have any assurances in the future going forward that they won't just arbitrarily up the tower...

Chairman Buzzutto stated alright, I'll direct that question to...

Mr. Fry stated sure. Sure. The answer to that...

Board Member Bodor stated could you move closer to the mic please.

Mr. Fry stated the answer I can give you is that Verizon Wireless operates in accordance with FCC standards and its FCC license. I cannot guarantee that the power is going to change, to be higher or lower. But what I can tell you is that Verizon's going to operate under its FCC license in compliance with all FCC standards. And that's what we've submitted our report based on, is FCC standards. So what Verizon's...What Verizon Wireless' use of the property is regulated by the federal government, which it will comply with; their standards.

Chairman Buzzutto stated the wattage is not what...it's involved with flying planes. It's the frequency that would be the factor.

Mr. Fry stated well, the...right. And then in connection with the frequencies, Verizon Wireless' RF Department, Radio Frequency Department, has confirmed that so long as the modelers club is operation under its FCC license, and Verizon operates under their FCC license, there should be no interference with the modelers...flying of their...

Chairman Buzzutto stated alright, the frequency with Verizon, that doesn't change. That will always be on that...

Mr. Fry stated right. They have an assigned FCC license...

Chairman Buzzutto stated yes.

Mr. Fry stated and they will operate under their assigned...

Chairman Buzzutto stated they have to operate at that frequency.

Mr. Fry stated yes. They have to operate under their assigned FCC license.

Chairman Buzzutto stated another thing, I brought that up last meeting about co-carriers on there. Probably they can't go in because of maybe the height. If they were allowed, they're not on the same frequency as...

Mr. Fry stated no, there should be interference with collocators.

Chairman Buzzutto stated right.

Mr. Fry stated that's, you know, that's...They operate under their FCC license, Verizon Wireless operates under Verizon Wireless' FCC license. In the even that there's a conflict between anyone who operates on an FCC license, the FCC would resolve that conflict.

Chairman Buzzutto stated and what frequency does the aircraft run at.

Darryl Hunt stated we're running on...

Cory Rossi stated 72 megahertz...

Chairman Buzzutto stated 72 [megahertz] and Verizon is...

Cory Rossi stated and 2.4gigahertz.

Darryl Hunt stated 2.4 gigahertz. We mentioned that last time.

Chairman Buzzutto stated yes.

Mr. Fry stated Verizon operates under different...I can give you...

Chairman Buzzutto stated is that below or above.

Mr. Fry stated they operate above that.

Chairman Buzzutto stated above that.

Cory Rossi stated well above. Actually between, if I (inaudible – coughing). They're data sheet says 700 megahertz, as opposed to our 72 megahertz. And 850 megahertz, and again 1900 megahertz. As long as this is the agreed game plan.

Darryl Hunt stated if this doesn't change we're...

Chairman Buzzutto stated yes.

Cory Rossi stated right.

Darryl Hunt stated the only thing about the power is that, you know, the military blank outs and transmissions by overpowering. And that was our only concern that in the future there may be an overpowering amount of wattage coming out. And that would interfere with us. But...

Chairman Buzzutto stated but that is not increased by Verizon, the wattage.

Mr. Jordan Fry stated I'm sorry.

Chairman Buzzutto stated the wattage is not increased by Verizon at any time, or is that a standard...

Mr. Fry stated well, to the extent...I could tell you based on prior, you know, applications that I've worked on in other municipalities, when Verizon Wireless has changed their antennas, the difference in wattage is not significant. And that's, you know, the best I can tell you. Right now, Verizon's proposing a new site with new antennas, and this, the proposed wattage, is what is shown here. And again, Verizon Wireless' facility, and for that matter, other carriers are all over the United States and the world, and the extent that they would overpower, you know, other properties, I have not heard of that. So I, you know, I can't speak on that.

Chairman Buzzutto stated well, the wattage is what. The distance that the signal will be sent out. The distance.

Darryl Hunt stated the power that's used to push it out.

Chairman Buzzutto stated yes. The...

Mr. Fry stated right. At this point I have no...

Chairman Buzzutto stated it may be 1 mile, 2 miles. I don't know.

Mr. Fry stated at this point I have no knowledge of Verizon Wireless wanting to increase their power.

Chairman Buzzutto stated yes. Okay.

Mr. Fry stated and again, the power...they are regulated by the FCC. And they're going to operate in accordance with the FCC regulations.

Chairman Buzzutto stated okay.

Board Member Bodor stated what is the likelihood of FCC changing the standard and allowing...

Mr. Fry stated I can't...

Board Member Bodor stated have they ever.

Mr. Fry stated I can't tell you the likelihood of that. I honestly just don't know. But, again, it's the federal government has the...is...

Board Member Bodor stated right.

Mr. Fry stated is using their power to regulate wireless carriers, and for that matter, many other types of other companies and other types of technology.

Cory Rossi stated if I may, I think...I'm a commercial pilot and what I know from commercial aviation is that in my dealings with the FCC is that technology is ever changing and, you know, increasing, and so the FCC is having to adapt and...to change along with the times. I wanted to maybe ask is it within our rights as the next neighbor, the adjacent property owner, to have a say if they ever decide to...if Verizon ever decided to increase...

Chairman Buzzutto stated I'll have to ask Carl on that particular...

Carl Lodes stated I think your objection would be to the FCC. I don't think it would be to this Board.

Cory Rossi stated well, from what I understand here, they're well within the power outage that the FCC allots.

Carl Lodes stated right.

Cory Rossi stated what if they decided to go to 99%. They're, again, within the FCC, but as Darryl Hunt mentioned, if too much power is in the atmosphere, that could cause us problems. I mean, we want to be good neighbors, too.

Chairman Buzzutto stated well, that's alright. Thank you.

Carl Lodes stated I don't think it's within the authority of the Board to regulate that issue.

Chairman Buzzutto stated yes.

Carl Lodes stated I think it's whether the variances are appropriate...

Cory Rossi stated so...

Carl Lodes stated and if there's an issue with the FCC, I can...

Mr. Fry stated I concur with that.

Cory Rossi stated no. I...

Chairman Buzzutto stated well, as far as your right to do that, I guess you would have to...

Cory Rossi stated forgive me...

Chairman Buzzutto stated I guess you would have the right to...

Cory Rossi stated I certainly don't mean to imply that we would have anything to say with the FCC. They're going to do what they want to do, and I understand that. But, could we all agree that this is the game plan, this power...this pamphlet right here, which is satisfying us tonight. Can we agree that if it's changed, can we have another discussion before they arbitrarily go about it. Even if they are well within their rights, but here we are asking a question.

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

Carl Lodes stated I don't believe you can. I think the variances are either appropriate or not appropriate within the Board's discretion. But whether technology changes within the, you know, with FCC regulations, I don't think that's within the authority of...

Chairman Buzzutto stated well, I think they may not agree, but they would have the...

Carl Lodes stated but I don't think the Board can...

Chairman Buzzutto stated no.

Carl Lodes stated condition its grant of variances on that particular...

Chairman Buzzutto stated but they would have the right to complain about it.

Carl Lodes stated absolutely. Yes.

Cory Rossi stated well, with all due respect, I've only been a member for 5 years, but the club's been there well over thirty [years]. So they've own that piece of property for well over 30 years. And let's say, I'm just guessing, using my little crystal ball, let's say maybe, you know, in 5 to 10 years times change and technology changes and all of the sudden there is a problem for us. Now that we've owned that land, let's say at that point 40 years, we're no longer able to do that. We have nothing to say about it.

Carl Lodes stated well, I didn't say you didn't have anything to say. I didn't say...What I'm saying is that I don't think you have something to say to this Board. I don't think this Board can condition its variance, applications, upon FCC regulations.

Chairman Buzzutto stated yes.

Cory Rossi stated I don't mean to make it anymore difficult for anybody else. I just wanted to see if there was any assurances that we could have.

Chairman Buzzutto stated well I think...We couldn't put that in as stipulation.

Carl Lodes stated no, no.

Chairman Buzzutto stated no. I don't know how their lease runs; that might be 10 years, the lease. I don't know on the tower there. I don't know what that was.

Mr. Fry stated and, you know, the lease can always, you know, the lease can be extended. I can't tell you how long the (inaudible – coughing) is going to be there. The goal is to build a great facility within the Town of Patterson that benefits the community, as well as, you know, the users...

Chairman Buzzutto stated yes.

Mr. Fry stated so, you know, I can't tell you how long the facility's going to be there.

Chairman Buzzutto stated yes.

Mr. Fry stated it could be there...

Chairman Buzzutto stated as it stands now, Verizon will stay within the limits of the FCC.

Mr. Fry stated right. They have to. That's their duty.

Chairman Buzzutto stated okay.

Cory Rossi stated yes. We don't have any doubt that they would ever go outside...I mean, a company as reputable as Verizon, we're quite confident that they would stay within the confines of the FCC. We just obviously want to protect ourselves naturally.

Chairman Buzzutto stated well, that's...okay.

Board Member Olenius stated I'm just reading through this report that you were directing to.

Cory Rossi stated yes.

Board Member Olenius stated it seems that everything in that report is assuming worst case scenario...

Mr. Fry stated right.

Board Member Olenius stated with everything operating at maximum...

Mr. Fry stated yes.

Board Member Olenius stated power, 24/7.

Cory Rossi stated on the front page it does indicate that they're using 76 watts. I mean 76 watts would be a lot different than, I'm just guessing, 500 watts.

Board Member Olenius stated no, I'm just saying that...

Cory Rossi stated not that they would ever say 500...

Board Member Olenius stated 76 watts though, I think is the worst case scenario.

Cory Rossi stated oh, is that right.

Board Member Olenius stated that's the way I'm reading it. That's maximum, is 76 watts; the way it's setup now.

Cory Rossi stated okay, so...

Board Member Olenius stated so they may indeed be operating at less than that, they're just...

Cory Rossi stated right.

Board Member Olenius stated filing the report as the worst case.

Cory Rossi stated so do we have the assurance then that that is the worst case scenario. We're good with that.

Mr. Fry stated based on this report, the outside consultant Pinnacle, does their report based on the worst case scenario.

Chairman Buzzutto stated okay.

Cory Rossi stated so how long is the lease.

Mr. Fry stated that's between the...I don't think that's appropriate to discuss at this time. It's between the two parties.

Cory Rossi stated okay.

Chairman Buzzutto stated okay. That last statement comes from Verizon itself. That that is worst case scenario.

Mr. Fry stated yes. I believe this report was based on the worst case scenario.

Chairman Buzzutto stated okay.

Cory Rossi stated if so, that makes us feel much better.

Chairman Buzzutto stated okay. Fine. I think everything will be alright.

Cory Rossi stated okay.

Chairman Buzzutto stated okay, do we have any other input from anybody else.

Cory Rossi stated thank you.

Chairman Buzzutto stated thank you for your input.

Mr. Fry stated thank you.

Chairman Buzzutto stated very helpful. Okay. Let's see. Close the public hearing.

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

Board Member Herbst stated second.

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

Chairman Buzzutto stated so be it. The public hearing is now closed on Verizon. We have a reso here. You want to read the reso.

Board Member Olenius stated I'll read the first one. There're several here.

Chairman Buzzutto stated alright. There are several of them there, okay.

Rich Williams stated counsel...

Chairman Buzzutto stated we'll pass them around.

Rich Williams stated you have to do SEQR first.

Chairman Buzzutto stated what.

Rich Williams stated you have to do SEQR before you do the resos.

Chairman Buzzutto stated oh, okay. Which one do you want to go with.

Board Member Olenius stated you have to do the SEQR determination first I think.

Chairman Buzzutto stated SEQR first.

Board Member Olenius stated I didn't see...I don't have that one.

Board Member Bodor stated we don't have one. You have to wing it.

Chairman Buzzutto stated I don't have anything.

Rich Williams stated I'm coming. If I may, this is an unlisted action, therefore the Board has a couple of options they can consider. They can do a coordinated review, which is typically what most of the boards do, unless there is not a lot of other agencies involved. In this case there aren't. The only other agency involved is the Planning Board. Therefore, it is entirely appropriate to do an uncoordinated review.

Chairman Buzzutto stated is that a Type II...

Rich Williams stated no. That is not. It is...

Chairman Buzzutto stated it is not.

Rich Williams stated this is an unlisted action. It's not a Type II. It is not a Type I. It's an unlisted action...

Chairman Buzzutto stated okay.

Rich Williams stated based on the magnitude of the perceived impacts. You know, therefore it's within the Board's realm to consider making a statement there no environmental impacts the application or the activity proposed, that they issue a negative SEQR determination.

Chairman Buzzutto stated okay. Does anybody want to make that proposal. You can remember it.

Board Member Bodor stated I just...

Chairman Buzzutto stated take it as read.

Board Member Bodor stated as...

Chairman Buzzutto stated as...

Board Member Bodor stated I'll second what Town Planner has presented.

Chairman Buzzutto stated all in favor...or take a vote on that.

Rich Williams stated if we might, Mary has now made a motion based on my verbiage. Do you have a second.

Board Member Burdick stated second.

Chairman Buzzutto stated do you want to read the roll on that. I'd rather take a roll on that.

The Secretary stated okay.

UPON ROLL CALL VOTE:

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

Chairman Buzzutto stated okay, that...And which one is the next one. The use or the...So do you got the use, or who wants to read the use variance.

Board Member Olenius stated I'll do the use one.

Chairman Buzzutto stated alright.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Verizon Wireless Case #22-07
Use Variance for a Telecommunications Facility

WHEREAS, *Verizon Wireless* is the leasee of real property located at **801 Route 311 (R-4 Zoning District)** identified as **Tax Map Parcel # 13.-3-57**, and

WHEREAS, *Verizon Wireless* has made application to the Patterson Zoning Board of Appeals for a use variance in order to use all, or a portion of the property for a wireless telecommunications facility in accordance with the plans and specifications prepared by Insite Engineering, Surveying and Landscape Architecture, P.C last revised October 1, 2009, and

WHEREAS, the facility will be located in, and around a silo located off of Route 311 in the rear of the property behind the existing barns.

WHEREAS, said plans propose placing a telecommunications antenna inside an existing 72' silo, replacing the existing silo dome with an RF-transparent dome and constructing a 650 sq.ft. equipment shed and storage area at the base of the silo, and

WHEREAS, the property on which the telecommunications facility is proposed is located in the R-4 residential zoning district, and

WHEREAS, the proposed action constitutes an Unlisted action under 6 NYCRR Part 617, and the Zoning Board of Appeals has determined the action will not have significant environmental impact, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on October 27, 2009 and November 23, 2009, and a site walk was conducted on November 18, 2009 to consider the application, and

WHEREAS, the Application has been reviewed by the standards afforded a public utility which considers whether the proposed location is necessary to render safe and adequate service, and whether there are compelling reasons, economic or otherwise, which make other alternatives less feasible to implement, 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:

1. the applicant has demonstrated that a deficiency in cellular coverage exists in the area;
2. that an alternative location has not been identified which would provide the necessary coverage while minimizing aesthetic or environmental areas of concern which have been identified;
 - a. the proposed telecommunications facility will be hidden from view by being placed inside an existing silo on the property.
 - b. related equipment will be placed at the base of the silo within a stockade fenced area of approximately 650 square feet, or in a shed designed with the appearance of a barn
 - c. the existing dome of the silo will be replaced with a new RF-transparent dome, which will not increase the height of the structure, nor change the exterior appearance.
3. that granting the present application will not alter the essential character of the neighborhood;

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby grants the application of *Verizon Wireless* for a *use variance as requested* from the requirements *as set forth in Chapter 154 of the Patterson Town Code for the placement of a telecommunications facility inside of an existing 72' silo, with related equipment at the base, and a new RF-transparent dome, as set forth herein and in the application and supportive documentation submitted by the Applicant*, and

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

1. There be a vegetative screening to obscure the compound and fence to lessen the impact on the viewshed of the close developed land.

Mr. Fry stated can you just make that subject to the Planning Board comments, just in case.

Board Member Olenius stated and subject to the Planning Board comments.

Mr. Fry stated okay.

Board Member Olenius continued to read the following resolution:

2. That the facility be constructed in accordance with the plans and specifications prepared by Insite Engineering, Surveying and Landscape Architecture, P.C. last revised October 1, 2009, as may be amended by the Patterson Planning Board.

Mr. Fry stated okay.

Board Member Olenius stated I didn't read that far ahead.

Board Member Bodor stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. Now this is what, the area variance.

Board Member Bodor stated yes. You want me to do it.

Chairman Buzzutto stated go ahead.

Board Member Bodor read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Verizon Wireless, Case #21-09
For Area Variances for
Placement of a wireless Telecommunications Facility and Associated Equipment

WHEREAS, *Verizon Wireless* is the leasee of real property located at ***801 Route 311 (R-4 Zoning District)*** identified as **Tax Map Parcel # 13.-3-57**, and

WHEREAS, *Verizon Wireless* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations in order to place a wireless telecommunications facility inside an existing 72' silo with related equipment at the base of the silo, and

WHEREAS, §154-7 of the Patterson Town Code states that the maximum height of a structure be 38'; the height of the structure will remain 72' with the new RF-transparent dome; ***Variance requested is for 34'***, and

WHEREAS, the Code requires a rear yard setback of 80' in the R-4 Zoning District for principal structures; the silo and proposed equipment at the base will be 60' from the rear property line; ***Variance requested is for 20'***; and

WHEREAS, the Code permits 10% impervious coverage in the a side yard setback of 15' in the R-1 Zoning District; Applicant has 5'; ***variance requested is for 10'***; and

WHEREAS, the proposed action constitutes an Unlisted action under 6 NYCRR Part 617, and the Zoning Board of Appeals has determined the action *will not* have a significant environmental impact, and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *October 27, 2009 and November 23, 2009*, and a site walk was conducted on *November 18, 2009* to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because said silo has been in place on the land in that location for many years*.
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because due to the existence of the silo in which the antenna will be constructed*.
3. the variance requested *is* substantial *because due to the property with roadway and the existence of the silo in which the antenna will be housed and the existing roadway will be the access*.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because construction will be within the existing silo and is set far back from the road frontage for the farm*.
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 *Verizon Wireless* for *an area variance of 34' from the height limit of 38' in the R-4 Zoning District* as required by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to permit the placement of a wireless telecommunications facility inside an existing 72' silo, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* a *20' rear yard setback from the rear yard setback of 80' as required by* §154-7 of the Patterson Town Code; Schedule of Regulations in order to allow a 60' setback between the rear property line and the telecommunication facility's associated equipment within a stockade fence at the base of the silo, and

BE IT FURTHERMORE RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Verizon Wireless* for an area variance of 1.6% regarding impervious surface coverage from the 10% limited by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow for 11.6% impervious surface coverage of the site.

Mr. Fry stated just one comment. As you were reading through initially, you mentioned a 5 foot variance. I think that was mentioned by mistake, and perhaps the 1.6% area variance was...what was suppose to be discussed before then is that...

Board Member Bodor stated for the impervious coverage one.

Mr. Fry stated yes. But there was a 5 foot variance that Verizon Wireless is not requesting.

Board Member Bodor stated alright. What is the request for the impervious coverage.

Mr. Fry stated it's 1.6% which...

Board Member Bodor stated okay.

Mr. Fry stated at the end was...

Board Member Bodor stated I did say it at the end.

Mr. Fry stated accurate. Right.

Board Member Bodor stated okay.

Mr. Fry stated but I just wanted to make it clear...

Board Member Bodor stated right, yes.

Mr. Fry stated on the record it's 1.6%.

Board Member Bodor stated it's back here where the mistake was.

Mr. Fry stated okay. And based on the factors of your Code and Town Law, I just want to make it clear that the Board is approving the 1.6%.

Board Member Bodor stated yes. You're right.

Board Member Herbst stated second.

UPON ROLL CALL VOTE:

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated good luck.

Mr. Fry stated thank you very much.

Board Member Bodor stated thank you for listening to every word I read.

(Laughter)

Mr. Fry stated thank you.

Chairman Buzzutto stated okay. Is everybody happy.

Cory Rossi stated good night everyone. Happy Thanksgiving.

Board Member Bodor stated good night.

Board Member Burdick stated have a nice holiday.

Chairman Buzzutto stated good night. Thanks for your input.

2) **FRED TARQUINIO CASE #23-09**

Mr. Fred Tarquinio and Mr. John Calbo were not present.

Chairman Buzzutto stated okay. What else do we got here.

Board Member Bodor stated we have the renewal of the accessory apartment.

Chairman Buzzutto stated who's that by, John Calbo.

Board Member Bodor stated John Calbo, no it's not by John. But he's...

Chairman Buzzutto stated oh, he was the one that was going to represent...

Board Member Bodor stated going to represent him.

Board Member Herbst stated he just represented the...

Chairman Buzzutto stated okay, yes.

Board Member Herbst stated individual who owns the piece.

Board Member Bodor stated this is down on [Route] 22. I believe it's the one down behind the motorcycle place.

Chairman Buzzutto stated 2267. Yes.

Board Member Bodor stated yes, south of Robin Hill.

Chairman Buzzutto stated okay. Yes.

Board Member Bodor stated there's a ranch house back in there. It's not right on the road. It's set down behind the motorcycle place. I think that's where it is.

Chairman Buzzutto stated that's way up on the hill, if I'm...

Board Member Bodor stated Robin Hill, and then there's a...

Chairman Buzzutto stated a construction place.

Board Member Bodor stated yes. And then there's the motorcycle place and then kind of set behind that is a house.

Chairman Buzzutto stated okay.

Board Member Bodor stated I think that's the one.

Chairman Buzzutto stated we have all the...Who did the checkout on this. The Building Inspector.

Board Member Bodor stated do we know if this...Do we have to read something here.

Chairman Buzzutto stated weren't they suppose to do a check on it.

The Secretary stated the first time we do the checklist.

Board Member Bodor stated the first time around. But do we know if there's been any changes on it.

Chairman Buzzutto stated if anything's changed. There's usually another piece in here.

Board Member Bodor stated the drawing that has been submitted with this is exactly the same as the first one, the date was just changed.

Chairman Buzzutto stated yes, but who approved this.

Board Member Bodor stated but do we know if there's any alterations or anything to the house since the first time around. John Calbo submitted it.

Chairman Buzzutto stated isn't it supposed to be approved by the Building Inspector.

Rich Williams stated there's no (inaudible – too distant) to have it approved by the Building Inspector. He certainly gets a copy of all of this. He's aware that this is going on. It's coming out of his office. If you want, certainly we can turn it over to the Building Inspector and have him go through the checklist but if he met the requirements the first time...

Board Member Olenius stated the Building Department would know if any addition had been put on the house since 2005, right. So...

Rich Williams stated they would be aware of any...

Chairman Buzzutto stated they should know.

Rich Williams stated they should know. And...

Chairman Buzzutto stated they should know, not that they would know.

Rich Williams stated and they certainly would factor in, you know, how that (inaudible) special use permit. They should.

Chairman Buzzutto stated it would probably be okay... We don't have nothing from the Building Inspector. Nothing (inaudible) What are we going to okay. The same application that was here what, three years ago... five years ago.

Rich Williams stated you certainly could. You could certainly review it. If you had no complaints, we've not heard of any complaints. You certainly could, based on the original application, extend it for another duration. Whatever you feel is appropriate; probably five years. It would have been nice if the applicant was here. You could have asked him questions.

Chairman Buzzutto stated yes.

Board Member Bodor stated that's my point. You know, there's nobody here to represent him or for him to have come here himself. I think that...

Board Member Burdick stated I would feel more comfortable having something either in writing or a comment...

Chairman Buzzutto stated yes.

Board Member Burdick stated from the Building Department that nothing has changed.

Chairman Buzzutto stated that it's okay.

Board Member Burdick stated and if the applicant was here....

Chairman Buzzutto stated yes, you're right.

Board Member Burdick stated we could ask and get it on the record. But, not since (inaudible) I...

Chairman Buzzutto stated I agree with Marianne.

Board Member Burdick stated I feel a little uncomfortable.

Rich Williams stated would you prefer something from the Building Department stating that...

Chairman Buzzutto stated yes. Stating that...

Rich Williams stated having the applicant come in or both.

Board Member Olenius stated either one.

Chairman Buzzutto stated well...

Board Member Burdick stated yes.

Board Member Olenius stated just something on the record...

Board Member Burdick stated even the...

Chairman Buzzutto stated even the applicant, to me, is not satisfactory. I would like to have somebody that would check it for verification. I mean, the applicant can come in and say, yeah, nothing's been changed.

Board Member Burdick stated but he's, you know, swearing to tell the truth.

Board Member Bodor stated yes. The whole truth and nothing but the truth.

Board Member Burdick stated exactly.

Board Member Olenius stated yes.

Board Member Bodor stated so...

Board Member Burdick stated even a certified letter from the applicant stating...

Chairman Buzzutto stated I've lied a few times in my life, too [referring to when he was a little boy telling little fibs].

Board Member Bodor stated well...

Rich Williams stated what are saying Buzz.

Chairman Buzzutto stated what.

Rich Williams stated what are you saying.

Chairman Buzzutto stated well, I'm not saying...

(Laughter)

Rich Williams stated remember, we're on the record now.

Chairman Buzzutto stated that's okay. No, I'd like to see something from...that the place has been inspected. Let's see here. I'd like to hear from the rest of the Board, too. What do yous...

Board Member Olenius stated I'd like to see an inspection or an affidavit from the owner stating that nothing's changed since the initial application. Something.

Board Member Burdick stated I agree. Either one.

Board Member Bodor stated we have nothing here, really.

Chairman Buzzutto stated yes.

Board Member Bodor stated just a request to renew and we don't...

Board Member Olenius stated or the owner to come swear under oath and tell me that nothing's changed. Something. Something other than a piece of paper submission.

Chairman Buzzutto stated holding this over for another month won't really make much of a difference, will it.

Board Member Olenius stated no.

Chairman Buzzutto stated so...

Board Member Bodor stated no.

Rich Williams stated we'll send a letter to the Applicant. We'll send a letter to the Building Department. We'll see (inaudible – too distant).

Chairman Buzzutto stated well, that helps. Based on lack of information, how can we proceed quickest.

Carl Lodes stated I don't disagree. I think you should have something.

Chairman Buzzutto stated so, I request that we table it until the next meeting. Okay with the rest of the Board.

Board Member Bodor stated all in agreement.

Chairman Buzzutto stated all in agreement.

Board Member Bodor stated yes.

Board Member Olenius stated yes.

Rich Williams stated is that a vote.

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

Board Member Bodor stated it's a vote.

Chairman Buzzutto stated okay.

3) OTHER BUSINESS

a) 2010 Meeting Dates

Chairman Buzzutto stated now the next one on here would be

Board Member Bodor stated other business. Sarah has given us the meeting...the submissions and the regular meetings for the year 2010.

Chairman Buzzutto stated this would be the second copy.

Board Member Bodor stated this says 2010.

Chairman Buzzutto stated yes, this would be the second one. The first one we just...Save it, I changed the date on it.

Board Member Bodor stated at this point in time...I mean I don't have a calendar. I don't know what my life is like a year from now. But thank you for your work. It looks good. I trust you to have pulled the dates correctly off of next years calendar. So I'll make a motion to approve it as it's written at this time.

Board Member Burdick stated second.

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

Carl Lodes stated you have St. Patrick's Day scheduled.

Rich Williams stated she doesn't have it for St. Patrick's Day, does she.

Carl Lodes stated yes.

The Secretary stated do I.

Carl Lodes stated March 17th.

Board Member Bodor stated doesn't matter.

Chairman Buzzutto stated let's see, what else do we got on there. Anything else.

Board Member Olenius stated my name may be Swedish, but I am half Irish.

(Laughter)

The Secretary stated you know...

Board Member Herbst stated that's okay, we have it on St. Patrick's Day, Richie's going to buy us all corned beef and cabbage.

Rich Williams stated I may buy you green beer.

b) Proposed Zoning Amendment Discussion – Livery Service

Chairman Buzzutto stated what about the livery stable.

Board Member Burdick stated livery service.

Chairman Buzzutto stated that's coming up when.

Board Member Bodor stated it is a zoning amendment that's been proposed, apparently from Councilman O'Connor.

Chairman Buzzutto stated yes. Do we have to discuss the item tonight.

Board Member Bodor stated not really. It's a proposed change for your consideration and comment.

Chairman Buzzutto stated the only thing I didn't see in here that he's not requested to supply baby seats or child seats. I didn't see that anywheres in here.

Board Member Bodor stated how does that work with a taxi or livery service, when they're transporting children who should be...

Chairman Buzzutto stated strapped in.

Rich Williams stated I really don't know.

Board Member Bodor stated who supplies...Does...

Board Member Olenius stated I think the parents are suppose to supply them. Like on an airline or anything, you're always required to.

Board Member Bodor stated okay.

Board Member Olenius stated and I think that's due to the sanitary issues. You wouldn't want to necessarily trade a baby seat...

Board Member Bodor stated true.

Board Member Olenius stated between...

Board Member Bodor stated true.

Board Member Olenius stated especially in today's environment with contagious diseases.

Chairman Buzzutto stated but if a so called passenger wants to get into a taxi cab and has a child with them, should he...

Board Member Bodor stated she needs to supply the restraint.

Chairman Buzzutto stated she has to supply that. If she doesn't have it, then he don't have to let her in the cab.

Board Member Olenius stated I wouldn't.

Rich Williams stated yes, I mean, if he did he would be in violation...

Chairman Buzzutto stated yes.

Rich Williams stated and if he got his chauffeur's license...

Board Member Bodor stated yes.

Rich Williams stated it would be a more serious violation.

Chairman Buzzutto stated well, I didn't see anywheres in here. I read this whole thing twice.

Rich Williams stated good catch.

Board Member Burdick stated but isn't that just motor vehicle law. I mean...

Carl Lodes stated it should be, yes.

Chairman Buzzutto stated it is, yes.

Carl Lodes stated yes.

Board Member Burdick stated I mean, there are motor vehicle laws so the absence of it in here doesn't mean that they can take a child without a car seat, because it's a law.

Chairman Buzzutto stated yes, but shouldn't it be spelled out in the...

Board Member Burdick stated well, it could be. But all I'm saying is that they still have to abide by all motor vehicle...

Rich Williams stated the reality is when you look at this, I mean, all they wanted to do is allow somebody to be able to have a couple of cars and a couple of employees in a residential home, and run a taxi service out of a residential home.

Chairman Buzzutto stated well, I'll say.

Rich Williams stated a lot of the additional things were added in there simply because, you know, when I looked into it, nobody around here regulates taxi cabs. I mean, you go down to the city, there's a taxi cab commission. You go down to lower Westchester, you know, there are laws and they're regulated and they're enforced and overseen by the local police departments. Putnam County, taxi cabs are not regulated anywhere.

Board Member Burdick stated I mean, I didn't see anything in here about smoking and that's covered in the State Smoking Law, there be no smoking in taxi cabs. And we have a problem with that in Putnam with our taxi cabs.

Rich Williams stated speaking of which, I have a question for you before you leave.

Board Member Burdick stated okay.

Board Member Olenius stated have we heard back from the other part of our meeting, Wireless Edge. Was December 6th approved for the...

The Secretary stated Planning Board.

Board Member Olenius stated yes. For the site walk with them.

Board Member Burdick stated unhappily, but approved.

Board Member Olenius stated it was.

Rich Williams stated some of them are showing up.

Board Member Olenius stated okay.

Board Member Burdick stated Sunday is family day.

Rich Williams stated no, Sunday was church day. They were all going to church.

Board Member Burdick stated oh, okay.

Chairman Buzzutto stated so we're going to be putting on the discussion of the taxi cab. Well, what do we have to do with it tonight. Just...nothing.

Board Member Bodor stated if we have any thoughts, any comments, just pass them on to Town Board.

Chairman Buzzutto stated well, that was the only problem that I had, would be with...

Board Member Burdick stated and it's a good one Buzz. You should...

Chairman Buzzutto stated would be the child seat. Pass it on. Everything else in the Code brings everything into view that he should have in the cab. I mean, license, you know, all that jazz. Parked cars. Vehicles running right. Meets all the State inspections. You've got that all in there now. Anything else.

Rich Williams stated just be aware, you know, if this goes through it's going to come back on you.

Board Member Bodor stated yes, because of special permit.

Chairman Buzzutto stated well...

Rich Williams stated okay. Just be aware.

Chairman Buzzutto stated well, that's...Another month to review this again.

Board Member Bodor stated no.

Chairman Buzzutto stated no.

Board Member Olenius stated there was a limit in there, wasn't there. To the number of...

Board Member Burdick stated yes. I'm pretty sure there was. I don't remember what it was.

Board Member Olenius stated well, it would have to be because it said something about additional parking required...

Board Member Burdick stated yes.

Board Member Olenius stated outside of the main home's...

Rich Williams stated oh, the number of cars.

Board Member Burdick stated yes.

Board Member Olenius stated yes.

Rich Williams stated yes. There was.

Board Member Olenius stated because you could run into impervious issues with that, and a bunch of different variances.

Chairman Buzzutto stated well, there was a taxi service in Patterson two years ago. And it was run by somebody from Alpine.

Board Member Bodor stated I don't remember.

Rich Williams stated I mean, we don't preclude that. If you wanted to setup a commercial operation, you could go to a commercially designated area. You could have an office. You could make arrangements for parking your cars assuming that you had sufficient area. That would be fine. You could do that now. But mister...Councilman O'Connor was approached by somebody who wanted to keep the cars and run the bay station out of his home in the Putnam Lake area.

Chairman Buzzutto stated I see no problem with that. I mean, as far as that goes.

Rich Williams stated opinions vary.

Board Member Olenius stated it's becoming clearer now to me. If it's in a certain area, yes I do. Why can't they just go rent an office then.

Board Member Bodor stated that's what, you know, if...

Board Member Olenius stated like Mr. Williams said, why does it have to be in a residential or...residential property. Why can't it be a commercial property.

Board Member Herbst stated it's in Putnam Lake, Rich. You said in Putnam Lake. Oh, (inaudible) will love that.

Board Member Bodor stated and there's commercial areas over there that they could setup shop for them.

Board Member Herbst stated should be the first one.

Board Member Bodor stated they just don't want put out the rent for the storefront when they've got the house they can operate out of.

Rich Williams stated and then you have Anna's Limo.

Board Member Bodor stated yes, right.

Rich Williams stated that's already there.

Board Member Bodor stated yes.

Rich Williams stated it's an established business.

Board Member Herbst stated yes, but she's also in a business area, so there's no problem.

Board Member Bodor stated exactly.

Rich Williams stated right. You know, what happens when you get five, six, seven neighbors, all wanting to do the same thing. All with two employees, three employees.

Chairman Buzzutto stated do each of you plan on doing a taxi.

Board Member Olenius stated no, I plan on calling Councilman O'Connor and voicing my opposition to this proposed zoning change right now.

Rich Williams stated you (inaudible) to the whole Town Board.

Board Member Olenius stated I will. I'll write something.

Board Member Herbst stated well, you just tell Ed that we'll be glad that they'll approve it as long as it's on Empire [Drive], right next to his house. And see how he likes that.

Chairman Buzzutto stated there are small stores over there that are empty.

Rich Williams stated yes.

Chairman Buzzutto stated a few of them.

Rich Williams stated listen, perfect place to do it, the little dinnerette that was right down near Shelley Oil, had all the parking in the back.

Board Member Olenius stated there's...

Board Member Bodor stated could have a whole fleet back there

Board Member Olenius stated Dr. MacRae's, the stone building there is subdivided now. There's several spaces in there. There's parking in the rear.

Rich Williams stated yes. There's a lot of places over there you could do it.

Board Member Olenius stated yes.

Rich Williams stated you know, the old hair dresser right down the road.

Board Member Olenius stated right. Airport.

Rich Williams stated that's perfect, you know. Little building.

Board Member Olenius stated yes. Big lot.

Rich Williams stated yes.

Chairman Buzzutto stated well, I guess the whole Board feels that if there's places that you could rent in the Business District for their business, whatever, that we should just (inaudible) take those options. So...Any more comments on that.

Board Member Olenius stated when are they...

Board Member Burdick stated I don't actually see a maximum.

Board Member Bodor stated yes. That's what I was looking for, too.

Board Member Burdick stated I just keep on going through it. This is like my third time and I don't see a maximum with a number of...It does speak...

Rich Williams stated you may be right.

Board Member Burdick stated it does speak to proper parking, but it does not...

Board Member Bodor stated it doesn't...

Board Member Burdick stated no.

Board Member Bodor stated limit the number of vehicles that can be registered with this particular person, whoever the owner is.

Board Member Burdick stated yes.

Rich Williams stated it will be limited by the size of the area. There're not going to be a lot. Because there are standards, I did make sure there were standards in there about, you know, having parking issued.

Board Member Olenius stated yes, that's the part I read through. That's why I thought there was a standard in there for number. In my mind I was thinking of like airport shuttle. You know, like a homeowner owns

an airport shuttle and runs it out, so that's one car. You know, I wasn't thinking employees and fleets. I really wasn't. But you're right.

Rich Williams stated when he first approached me with this, I made the assumption...I jumped right to the assumption it's going to be a guy with a car and a cell phone. And that's the way it was initially structured. And then he came back to me and said, oh no, you know. Somebody in a house running the bay station, and employees.

Board Member Bodor stated that's a lot of coming and going in a residential area. Certainly it will impact that environment.

Board Member Olenius stated and it will be...

Rich Williams stated it will (inaudible – too distant) for sure.

Board Member Bodor stated oh, yes.

Board Member Olenius stated yes. Because there's no time schedule with that. You're talking midnight, one in the morning. When do they run the most; after midnight picking people up.

Rich Williams stated drunks.

Board Member Olenius stated yes, exactly.

Board Member Bodor stated yes, right. This is not a good plan.

Rich Williams stated it wasn't my first choice.

Chairman Buzzutto stated is this a personal friend of...

Rich Williams stated I do not know who it is.

Chairman Buzzutto stated well, we don't think it's appropriate.

Board Member Bodor stated and then you've got, you know...If you have employees who are waiting around waiting for a ride, you've got more...to catch a fare, you've got more people hanging out in the area, too. That's what I see down in Brewster. They've got all those taxis lined up just waiting, and the guys are hanging on the fenders, too. You know, so it becomes a collection of people as well as vehicles.

Board Member Olenius stated and every car is running.

Board Member Bodor stated well, I don't know.

Board Member Olenius stated I know.

Board Member Bodor stated I didn't check for that.

Board Member Olenius stated I watched in the winter. You see that the exhaust on it in the winter...

Board Member Bodor stated well, they want to keep it warm for their fares, right.

Board Member Olenius stated exactly.

Board Member Herbst stated but they're usually waiting for the train.

Board Member Bodor stated it doesn't matter. It's still, you know, if they're depot is going to be on such and such a street over wherever it is, they're going to be waiting over there until they get that call.

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

Board Member Bodor stated you see the taxi stands are down in Brewster right there by the train; that's their base.

Board Member Herbst stated yes.

Board Member Bodor stated but this would be a base at a residence some place.

Board Member Herbst stated yes, but I can't see where in a residence in Putnam Lake where they would be sitting there running their motors. That would be a little crazy.

Board Member Bodor stated I don't know.

Board Member Herbst stated but the constant, you know, going out at 1, 2 in the morning...

Board Member Bodor stated the coming and going.

Board Member Herbst stated and coming and going, is something else.

Board Member Bodor stated yes.

Chairman Buzzutto stated somebody local there were a taxi, walked out...

TAPE ENDED

Chairman Buzzutto stated all I'm saying is a local person that could walk down to the taxi, want a ride into town or something like that or wherever, a taxi's not there. So where are they going to wait. In the house. I mean, where you wouldn't have to go to pick them up. Some people could walk there, like they do in town at Brewster.

Board Member Bodor stated I don't know that they walk down to the stand. That I don't know. Why should they. They're paying to get picked up at home.

Chairman Buzzutto stated yes, but I mean if they live a door or two down. Well...

Board Member Bodor stated I don't know.

Chairman Buzzutto stated just a thought.

Board Member Bodor stated well, I certainly wouldn't want the people across the street from me or next to me running a taxi business out of their house. I'm not (inaudible – coughing).

Rich Williams stated I don't think you have to worry about it except for Lars.

Board Member Olenius stated yes.

Board Member Bodor stated what.

Rich Williams stated Lars.

Chairman Buzzutto stated alright. So where do we go from here. Just send a denial...Not deny it but...

Rich Williams stated well, if you have any comments or concerns forward it on to the Town Board. If you want to funnel them all back into the office and Sarah will put them all together and get them out, you can do that.

Chairman Buzzutto stated you got that on the minutes there.

The Secretary stated yes.

Rich Williams stated yes.

Chairman Buzzutto stated I forgot. Okay. Anymore comments on why...

Board Member Olenius stated yes. No, I'm going to send something.

Chairman Buzzutto stated okay.

Board Member Olenius stated I'll send...I'll write...email you something.

The Secretary stated okay.

Board Member Olenius stated I'll try and bullet items and everything.

Chairman Buzzutto stated okay.

Board Member Olenius stated because the more I think, the more I'm coming up with, so I should just shut my mouth now.

Chairman Buzzutto stated what else was on there.

c) Winding Glades Discussion

Board Member Bodor stated we also have this communication regarding Winding Glades, which actually was to the Planning Board and they were there to present the other night at the Town Board meeting. Is there a difference between a non-profit club and a private not-for-profit organization. This is something that...not profit club. I don't know. And I know it's troubling people because I can tell from the audience. I wasn't here, I watched it on the video. But the terminology.

Carl Lodes stated well, it's a not-for-profit corporation. Whether...You can form it anyway you want. You can...It has to have an Inc. at the end of it or some kind of indication that it's not-for-profit.

Board Member Bodor stated this is called non-profit club.

Carl Lodes stated yes. It would be formed under the same law. I mean, unless they're thinking of something entirely different. But it's a not-for-profit corporation law in the State of New York, because you can call it not-for-profit or not-for-profit club.

Rich Williams stated I think when...

Carl Lodes stated does that answer your, I mean...

Rich Williams stated we all envision a non-profit or not-for-profit organization...

Board Member Bodor stated yes.

Rich Williams stated we envisioned something entirely different from what they're proposing. But when you get into New York State Law...

Carl Lodes stated law.

Rich Williams stated the definition for a not-for-profit or not-profit or...

Carl Lodes stated it's very broad.

Rich Williams stated very broad.

Board Member Bodor stated okay.

Rich Williams stated I'm somewhat taken back by it.

Carl Lodes stated yes. People could decide to play chess, and decide to form a not-for-profit corporation just so they have a title or, you know. It's very broad. It's different than getting IRS approval for a not-for-profit. That's a different situation.

Board Member Bodor stated okay.

Carl Lodes stated the IRS has much more severe criteria. But just saying you're not-for-profit...

Board Member Bodor stated that's very loose.

Carl Lodes stated it's very loose. It just means if you're not-for-profit and not an IRS not-for-profit, that means if someone donates, it's not deductible on your tax return.

Board Member Bodor stated but they don't necessarily have a 501(c)(3).

Carl Lodes stated (c)(3).

Board Member Bodor stated right.

Carl Lodes stated right.

Board Member Bodor stated okay.

Chairman Buzzutto stated what type of landscaping would they use. Would they chop down trees and everything to put a track in or something. I don't know how this works.

Rich Williams stated yes. They would go in and would clear the site. They would clear the skid pad, garage and track area of all vegetation. They're going to try to keep the track area pretty much at grade, but they're building into the side of a slope so even though it's still going up and down like this, it's going to be cut into the side of a slope. The skid pad is also in the side of the slope, so over this 6 ½ acre area, they're going to have a change of grade of 30 feet. At one point they're going to have 30 feet of fill which they're going to cut out of the embankment father up slope. So, you know, big changes to the topography out there.

Chairman Buzzutto stated and all that would be in view of...What's that, Haviland Drive or...

Rich Williams stated East Branch Road.

Board Member Bodor stated East Branch [Road].

Chairman Buzzutto stated East Branch. That will all be in view of all the...

Board Member Bodor stated East Branch would, yes.

Chairman Buzzutto stated people over there. That would be on their side of...

Board Member Bodor stated their side of the slope.

Chairman Buzzutto stated yes.

Rich Williams stated yes, we were out on the site, a pretty rain day. I did have an opportunity to go back and you actually, from where the garage is going to be, you could see up the valley along Route 22. You could see over to East Branch. It's got some great views up at the site.

Board Member Bodor stated yes, I bet. I thought it was interesting, too, that they're leaving the frontage on [Route] 22, undeveloped. So, if things don't work out for them, they can always decide to market that as what it's presently zoned as, apparently; a corporate park type thing, so they can get income from that...those sites there. They've got it all worked out.

Board Member Olenius stated what kind of track are they proposing, like a road course, or an oval, or...

Rich Williams stated it's an oval with intersecting lines...or lanes so they can setup a couple of different variations of running the track. It's about a mile oval, but in total it's about a mile...1.8 tenths of a mile.

Board Member Herbst stated but they haven't committed themselves to this anyway, have they.

Rich Williams stated in what regard.

Board Member Herbst stated no, I...You're talking about the car race track, right. The one on [Route] 22. Yes, but Mike told him that people may not like it. They were just here to feel out the...get the feeling here as to whether they can do it or not.

Rich Williams stated they've got an application for site plan approval pending before the Planning Board.

Board Member Herbst stated oh, they do. I didn't know that.

Rich Williams stated they purchased the property, and they issued a memo in their belief they're compliant with zoning.

Board Member Herbst stated that I didn't know.

Rich Williams stated I'd say they're pretty serious.

Board Member Herbst stated see, I didn't know that. I heard that they just came to just feel...get a feeling on it.

Rich Williams stated they came because they're trying to build support because I issued a memo saying they weren't in compliance with zoning. They weren't too happy about that.

Board Member Olenius stated is it a paved track or a dirt track.

Rich Williams stated dirt.

Board Member Olenius stated dirt. For now. The skid pad obviously is, blacktop or concrete.

Rich Williams stated no, it's got to be blacktop.

Board Member Olenius stated blacktop.

Chairman Buzzutto stated well, that would be something washout too, if it's on the side of a...

Board Member Bodor stated no, they're going to have it well drained and all kinds of special recycling and everything else to do with the water.

Chairman Buzzutto stated we didn't get no application on it yet.

Board Member Bodor stated no. It's before the Planning Board.

Chairman Buzzutto stated the Planning Board, yes.

Board Member Bodor stated do we have minutes to approve. No. Okay. I'll make a motion that we adjourn.

Board Member Herbst stated second.

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

Meeting was adjourned at 8:07 p.m.